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No. 3] NEW DELHI, SATURDAY, JANUARY 16, 1988/PAUSA 26, 1909

इस भाग में भिन्न पृष्ठ संख्या वाली जाती है जिससे कि यह अन्तर्राष्ट्रीय संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as
a separate compilation

भाग II—खण्ड ३—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

गृह मंत्रालय

नई दिल्ली, ३० दिसम्बर, १९८७

MINISTRY OF HOME AFFAIRS

New Delhi, the 30th December, 1987

का.आ. 100.—यत् केन्द्रीय मरकार का यत् है कि
ऐसा करना आम जनता के हित में आवश्यक और समीचीन है,
अब इसलिए विदेशी प्रभिदाय (विनियमन) प्रधिनियम, १९७६
(१९७६ का ४९) की धारा ११ द्वारा प्रदत्त ग्रंथियों का
प्रयोग करते हुए केन्द्रीय मरकार मरकारी सेवकों और उपर्युक्त
प्रधिनियम की धारा ९ के अन्तर्गत आने वाले नियम के कर्म-
चारियों को प्रार्थिकार्य विभाग द्वारा विधिवत् अनुमोदित
भारत सरकार और किसी विदेश मरकार के
बीच होने वाले किसी विषेशीय कागज के अनुसरण में और
या कार्यिक मंत्रालय द्वारा विधिवत् अनुमोदित दीर्घकालिक/
अल्पकालिक प्रशिक्षण कार्यक्रम में भाग लेने के लिए भारत
में बाहर किसी देश अथवा क्षेत्र का दौरा करते समय अतिथ्य
स्वीकार करने के लिए केन्द्रीय मरकार का पूर्व अनुमोदित
प्राप्त करने से छूट देनी है।

[प. II/21022/14(7)/87-एफ सी आर ए-1]
राजनिय भिश्वा, मंत्र्युक्त सचिव

[No. II/21022/14(7)/87-FCRA.I]
INDIRA MISHRA, Lt. Secy.

कार्मिक, लोक शिकायत तथा पेशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 23 दिसंबर, 1987

आदेश

का.आ. 101.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के माध्य पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, असम सरकार की सहमति से दिल्ली विशेष पुलिस स्थापन के मद्दतों की शक्तियों और अधिकारियों का, विस्कोटक पदार्थ अधिनियम 1908 (1908 का 6) की धारा 3 के माध्य पठित भारतीय दंड संहिता (1860 का 45) की धारा 302, 307 और 428 के अंतर्गत दंडीय अपराधों और उन अपराधों के संबंध या उन्हें संबंधित प्रवत्त, दुष्करण और पड़यन्व और शो मंत्रों द्वारा, डिग्रुगड़ नार पानिया बोई, डिग्रुगड़ को तरंग समिति के भूतूर्व अंग को हम्माके संबंध में आतंक संघा 306/86, जो आप राज्य में डिग्रुगड़ थाने में रजिस्टर किया गया था, के ही तथ्यों से उत्पन्न एक ही संघवहार के अनुक्रम से किए गए किसी अन्य आतंक के अन्वेषण के लिए संपूर्ण असम राज्य पर विस्तार करती है।

[संख्या 228/27/87-ए.वी.डी.-II]

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES &
PENSIONS

(Department of Personnel & Training)

New Delhi, the 23rd December, 1987

ORDERS

S.O. 101.—In exercise of the powers conferred by Sub-section (1) of section 5, read with section 6, of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government, with the consent of the Government of Assam, hereby extends the powers and jurisdiction of the members of the Delhi Police Special Establishment to the whole of the State of Assam for the investigation of offences punishable under sections 302, 307 and 427 of the Indian Penal Code (45 of 1860) read with section 3 of the Explosive Substances Act, 1908 (6 of 1908) and attempts, abominations and conspiracies in relation to, or in connection with, the said offences and any other offences committed in the course of the same transaction arising out of the same facts in regard to Crime No. 306/86 relating to the murder of Shri Manmohan Das, Ex-Chairman of Ad-hoc Committee of Dibrugarh Municipality Board, registered at the Police Station Dibrugarh registered at the Police Station Dibrugarh in the State of Assam.

[No. 228/27/87-AVD.II]

का.आ. 102.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, गिरन्लिखित अपराधों को भी ऐसे अपराधों के रूप में शिर्निर्दिष्ट करती है, जिनका अन्वेषण दिल्ली विशेष पुलिस स्थापन द्वारा किया जाता है, अर्थात्—

(क) आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का

28) की धारा 3 और धारा 4 के अधीन दण्डनीय अपराध।

(ख) आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का 28) की धारा 28 के अधीन बनाया गया है, के अधीन दण्डनीय अपराध।

(ग) उपर्युक्त खंड (क) और (न) में उल्लिखित प्रकार या अधिक अपराध और उन्हीं तथ्य रो इत्यत्र होने वाले वैसे ही संघवहार के अनुक्रम में किए गए किसी अन्य अपराध के संबंध में या उससे संबंधित प्रयत्न, दुष्करण और दृश्यमान।

[संख्या 228/18/87-ए.वी.डी.-JJ]

S.O. 102.—In exercise of the powers conferred by section 3 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby specifies the following offences; also as the offences which are to be investigated by the Delhi Special Police Establishment, namely :—

(a) Offences punishable under sections 3 and 4 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987).

(b) Offences punishable under the Terrorist and Disruptive Activities (Prevention) Rules, 1987 which are framed under section 28 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987).

(c) Attempts, abettments and conspiracies in relation to or in connection with one or more of the offences mentioned in clauses (a) and (b) above and any other offence committed in the course of the same transaction arising out of the same facts.

[No. 228/18/87-AVD. II]

का.आ. 103.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के माध्य पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, असम सरकार की सहमति से दिल्ली विशेष पुलिस स्थापन के मद्दतों की शक्तियों और अधिकारियों का भारतीय दंड संहिता (1860 का 45) की धारा 302, 379 और 34 के अधीन संन्दर्भ अपराध और उन्हें अपराधों के संबंध में या उन्हें रंबंध प्राप्त, दुष्करण और पड़यन्व और श्री देवजीत धर धीधर, गोलाघट के भूतूर्व पार्पद की हत्या के मध्यन्ध में अपराध संख्या 481/86 के ही तथ्यों से उत्पन्न एक ही संघवहार वे अनुक्रम में किए गए किसी अन्य अपराध के अन्वेषण वे गिरि संदर्भ असम राज्य पर विस्तार करती हैं।

[. 228/27/87-ए.वी.डी.-II]

S.O. 103.—In exercise of the powers conferred by sub-section (1) of section 5, read with section 6, of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government, with the consent of the Government of Assam, hereby extends the powers and jurisdiction of the members of the Delhi Special Establishment to the whole o

the State of Assam for the investigation of offences punishable under sections 302, 379 and 34 of the Indian Penal Code (45 of 1860) and attempts, abetments and conspiracies in relation to, or in connection with, the said offences and any other offences committed in the course of the same transaction arising out of the same facts in regard to Crime No. 481/86 relating to the murder of Shri Devajit Dhar Choudhury, Ex-Councillor of Golaghat registered at Police Station Golaghat in the State of Assam.

[No. 228/27/87-AVD.II]

का.आ. 104.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पहिले धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, असम सरकार की सहमति से दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारियों की भारतीय दंड माहेता (1860 का 45) की धारा 302 के अधीन दंडनीय अपराधों और उक्त अपराधों के नवनियत या उनसे संबंधित प्रयत्न, दुष्प्रेरण और पड़वन्त और श्री सौरभ बोग, डिग्रुगढ़ विश्वविद्यालय की हत्या के सम्बन्ध में अपराध संख्या 398/86, जो असम राज्य में डिग्रुगढ़ थाने में गिरिन्दर किया गया था, के ही तथ्यों से उत्पन्न एक ही संघवहार के अनुकूल में किए गए किसी अन्य आपराध के अन्वेषण के लिए संपूर्ण असम राज्य पर विस्तार करती है।

[संख्या 228/27/87-ए.वी.डी-II]

S.O. 104.—In exercise of the powers conferred by Sub-section (1) of section 5, read with section 6, of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government, with the consent of the Government of Assam, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Assam for the investigation of offences punishable under Section 302 of the Indian Penal Code (45 of 1860) and attempts, abetments and conspiracies in relation to or in connection with the said offence and any other offences committed in the course of the same transaction arising out of the same facts in regard to Crime No. 398/86 relating to the murder of Shri Saurabh Bora, Dibrugarh University, registered at Police Station Dibrugarh in the State of Assam.

[No. 228/27/87-AVD.II]

का.आ. 105.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पहिले धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, असम सरकार की सहमति से दिल्ली विशेष पुलिस स्थापन के नवदस्यों की शक्तियों और अधिकारियों का जापुद्र अधिनियम, 1959 (1959 का 54) की धारा 25 और 27 के साथ पहिले भारतीय दंड मंदिर (1860 का 45) की धारा 448, 302 और 34 के अधीन दंडनीय अपराधों और उक्त अपराधों के नवनियत या उनसे संबंधित प्रयत्न, दुष्प्रेरण और पड़वन्त और श्री

कार्तीपर सेन, निवासी ए.एम. राइ, सुहागपुर मेरेहाबाड़ी, गुवाहाटी का हत्या के सम्बन्ध में अपराध सं. 424/86, जो असम राज्य ने धारा पलटन बाजार, गुवाहाटी में रोज़े-दर किए गये थे, के तथ्यों से उत्पन्न एक ही संघवहार के अनुकूल में किए गए किसी अन्य अपराध के अन्वेषण के लिए संपूर्ण असम राज्य पर विस्तार करती है।

[संख्या 228/27/87-ए.वी.डी-II]

जी. सीतारामन, अवर सचिव

S.O. 105.—In exercise of the powers conferred by sub-section (1) of section 5, read with section 6, of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government, with the consent of the Government of Assam, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Assam for investigation of offences punishable under sections 448, 302 and 34 of the Indian Penal Code (45 of 1860) read with sections 25 and 27 of the Arms Act, 1959 (54 of 1959) and attempts, abetments and conspiracies in relation to or in connection with the said offences and any other offences committed in the course of the same transaction arising out of the same facts in regard to Crime No. 424/86 in relation to murder of Shri Kali Pada Sen, resident of A. M. Road, Suhagpur, Rehbari, Gauhati, registered at Police Station Paltan Bazar, Gauhati, in the State of Assam.

[No. 228/27/87-AVD.II]

G. SITARAMAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 11 सितम्बर, 1987

का.आ. 106:—आदिकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (15) के उप-खण्ड (4) की धरा (अ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सत्राहन एकड़दारा उक्त धरा के प्रयोजनार्थ भारतीय रेलवे एवं रेल लिमिटेड द्वारा दारी किए गए “10% आरंभित रिटार्न असंपरिवर्तीय, 1000/- रुपए प्रति बन्ध पत्र” को परिवर्तित करती है।

बदले कि उक्त मद के अन्तर्गत नाम केवल लब स्वीकार्य होगा यदि ऐसे बन्ध-पत्रों का धारक अपना नाम और सामन उक्त कार्पोरेशन में पंजीकृत करता है।

[र. 7520/रा.सं. 178/53/87-आ.क. (नि.-1)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 11th September, 1987

S.O. 106.—In exercise of the powers conferred by item (h) of sub-clause (iv) of Clause (15) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies “10 percent Secured Redeemable Non-convertible Bonds of Rs. 1000 each” issued by the Indian Railway Finance Corporation Limited for the purpose of the said item :

Provided that the benefit under the said item shall be admissible only if the holder of such bonds registers his name and the holding with the said Corporation.

[No. 7520/F. No. 178/53/87-IT(A-1)]

नई दिल्ली, 22 सितम्बर, 1987

आयकर

का. आ. 107.—आयकर अधिनियम, 1961
(1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "कलकत्ता पिंजरापोल सोसायटी" को करनिर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7545/फा. सं. 197/224/86-आ. क. (नि.-1)]

New Delhi, the 22nd September, 1987

(INCOME-TAX)

S.O. 107.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Calcutta Pinjrapole Society" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7545/F. No. 197/224/86-IT(A-1)]

नई दिल्ली, 13 अक्टूबर, 1987

का. आ. 108.—आयकर अधिनियम, 1961
(1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "संयुक्त प्लाट समिति" को करनिर्धारण वर्ष 1988-89 के लिए अधिसूचित करती है।

[सं. 7529/फा. सं. 197/191/87-आ. क. (नि.-1)]

New Delhi, the 13th October, 1987

S.O. 108.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Joint Plant Committee" for the purpose of the said clause for the assessment year 1988-89.

[No. 7529/F. No. 197/191/87-IT(A-1)]

का. आ. 109.—आयकर अधिनियम, 1961
(1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "सी फिरसे वैलफैयर एण्ड सोसायटी, बम्बई" को करनिर्धारण वर्ष 1987-88 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7578/फा. सं. 197/186/87-आ. क. (नि.-1)]

रोशन सहाय, अवर सचिव

S.O. 109.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Seafarers' Welfare Fund Society, Bombay" for the purpose of the said clause for the assessment years 1987-88 and 1988-89.

[No. 7578/F. No. 197/186/87-IT(A-1)]

ROSHAN SAHAY, Under Secy.

नई दिल्ली, 24 सितम्बर, 1987

का. आ. 110.—आयकर अधिनियम, 1961
(1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "द अहमदाबाद शेयर एण्ड स्टॉक ब्रोकर्स एसोसिएशन (स्टॉक एक्सचेंज)" को करनिर्धारण वर्ष 1985-86 से 1988-89 तक के लिए अधिसूचित करती है।

[सं. 7554/फा. सं. 197/58/81-आ. क. (नि.-1)]

New Delhi, the 24th September, 1987

S.O. 110.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Ahmedabad Share & Stock Brokers' Association (Stock Exchange)" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7554/F. No. 197/58/81-IT(A1)]

का. आ. 111.—आयकर अधिनियम, 1961
(1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "मध्य-प्रदेश स्टॉक एक्सचेंज" को करनिर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7553/फा. सं. 197/141/81-आ. क. (नि.-1)]

S.O. 111.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Madhya Pradesh Stock Exchange" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7553/F. No. 197/141/81-IT(A-1)]

का. आ. 112.—आयकर अधिनियम, 1961
(1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "बंगलोर स्टॉक एक्सचेंज लिमिटेड" को करनिर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7552/फा. सं. 197/38/81-आ. क. (नि.-1)]

S.O. 112.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Bangalore Stock Exchange Limited" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7552/F. No. 197/38/81-IT(A-1)]

का. आ. 112.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "कोचीन स्टॉक एक्सचेंज लिमिटेड" को कर निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7551 (फा. म. 197/180/81-आ. क. (नि.-1))]

S.O. 113.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Cochin Stock Exchange Limited" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7551 (F. No. 197/180/81-IT(A1))]

का. आ. 114.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग), के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "मद्रास स्टॉक एक्सचेंज लिमिटेड" को कर निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 755 (फा. म. 197/193/83-आ. क. (नि.-1))]

S.O. 114.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Madras Stock Exchange Limited" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7550 (F. No. 197/193/83-IT(A1))]

का. आ. 115.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "द हैदराबाद स्टॉक एक्सचेंज लिमिटेड," को कर निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7549 (फा. सं. 197/21/81-आ. क. (नि.-1))]

S.O. 115.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Hyderabad Stock Exchange Limited" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7549 (F. No. 197/21/81-IT(A1))]

नई दिल्ली, 15 अक्टूबर, 1987

का. आ. 116.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "राष्ट्रीय सहकारी विकास निगम" को कर निर्धारण वर्ष 1988-89 के लिए अधिसूचित करती है।

[सं. 7591 (फा. म. 197/165/87-आ. क. (नि.-1))]

New Delhi, the 15th October, 1987

S.O. 116.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Co-operative Development Corporation" for the purpose of the said clause for the assessment year 1988-89.

[No. 7591 (F. No. 197/165/87-IT(A1))]

का. आ. 117.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "इंडियन कॉटन मिल्स फॉडरेशन, बम्बई" को कर निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7589 (फा. म. 197/204/82-आ. क. (नि.-1))]

S.O. 117.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Indian Cotton Mills Federation, Bombay" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7589 (F. No. 197/204/82-IT(A1))]

का. आ. 118.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, "होमी भाभा फॉलोशिप कॉसिल, बम्बई" को कर निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7590 (फा. सं. 197/187/85-आ. क. (नि.-1))]

S.O. 118.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Homi Bhabha Fellowships Council, Bombay" for the purpose of the said clause for the assessment years 1985-86 to 1988-89.

[No. 7590 (F. No. 197/187/85-IT(A1))]

नई दिल्ली, 23 नवम्बर, 1987

का. आ. 119.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उप-खण्ड के प्रयोजनार्थ, "द केरल लेबर वेलफेर फण्ड वोर्ड ट्रिवन्द्रम" को कर निर्धारण वर्ष 1984-85 से 1988-89 के लिए अधिसूचित करती है।

[सं. 7625 (फा. सं. 197/239/86-आ. क. (नि.-1))]

New Delhi, the 23rd November, 1987

S.O. 119.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Kerala Labour Welfare Fund Board, Trivandrum" for the purpose of the said sub-clause for the assessment years 1984-85 to 1988-89.

[No. 7625 (F. No. 197/239/86-IT(A1))]

नई दिल्ली, 25 नवम्बर, 1987

का. आ. 120.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उपखण्ड के प्रयोजनार्थ, “बांगिया साहित्य परिषद्, कलकत्ता” को कर-निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[म. 7627(फा. स. 197/135/84-आ. क. (नि.-1)]

New Delhi, the 25th November, 1987

S.O. 120.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies, “Bangiya Sahitya Parishad, Calcutta” for the purpose of the said sub-clause for the assessment years 1985-86 to 1988-89.

[No. 7627 (F. No. 197/135/84-IT(A1)]

नई दिल्ली, 4 दिसम्बर, 1987

का. आ. 121.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उपखण्ड के प्रयोजनार्थ, “गुजरात जल-वायु प्रदूषण नियंत्रण बोर्ड, गांधी नगर” को कर-निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[स. 7646 (फा. स. 197/162/83-आ. क. (नि.-1)]

दलीप सिंह, विशेष कार्य अधिकारी

New Delhi, the 4th December, 1987

S.O. 121.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, (43 of 1961), the Central Government hereby notifies “Gujarat Water and Air Pollution Control Board, Gandhinagar” for the purpose of the said sub-clause for the assessment years 1985-86 to 1988-89.

[No. 7646 (F. No. 197/162/83-IT(A1)]

DALIP SINGH, Officer on Special Duty

नई दिल्ली, 13 नवम्बर, 1987

आयकर

का. आ. 122.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ, “पश्चिम बंगाल मुख्यमंत्री गहरा कोष” को कर-निर्धारण वर्ष 1987-88 और 1988-89 के लिए अधिसूचित करती है।

[स 7616 फा. स. 197(125) 87-आ.क.नि I)]

New Delhi, the 13th November, 1987

INCOME-TAX

S.O. 122.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “West Bengal Chief Minister's Relief Fund” for the purpose of the said sub-clause for the assessment years 1987-88 and 1988-89.

[No. 7616 (No. 197 125/87-IT(A1)]

नई दिल्ली, 16 नवम्बर, 1987

का. आ. 123.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उपखण्ड के प्रयोजनार्थ, “हिंडिपन डेरी कॉर्पोरेशन” को कर निर्धारण वर्ष, 1987-88 और 1988-89 के लिए अधिसूचित करती है।

[म. 7617/फा. म. 197/137/87-आ. क. (नि.-1)]

New Delhi, the 16th November, 1987

S.O. 123.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Indian Dairy Corporation” for the purpose of the said sub-clause for the assessment years 1987-88 and 1988-89.

[No. 7617 (F. No. 197/137/87-IT(A1)]

नई दिल्ली, 19 नवम्बर, 1987

का. आ. 124.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उपखण्ड के प्रयोजनार्थ, “नेशनल एस्प्रिट्युअल प्रैमिक्सी अफ इ बाहार आंक डिफर” को कर-निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिसूचित करती है।

[म. 7622 (फा. म. 197-क/189/82-आ. क. (नि.-1)]

New Delhi, the 19th November, 1987

S.O. 124.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, (53 of 1961), the Central Government hereby notifies “National Spiritual Assembly of the Bahais of India” for the purpose of the said sub-clause for assessment years 1985-86 to 1988-89.

[No. 7622 (F. No. 197-A/189/82-IT(A1)]

नई दिल्ली, 20 नवम्बर, 1987

का. आ. 125.—करकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (15) के उपखण्ड (iv) की मद (ज) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त मद के प्रयोजनार्थ भारतीय रेत नियम लिया गया कि एवं यह “9% आरम्भित विभागीय अपरिवर्तनीय प्रत्येक 1,000/- रुपये के बन्ध पत्र” को विनिर्दिष्ट करती है।

वर्णों कि उक्त मद के अन्तर्भूत लाम के बाल तथा रक्षीकार्य तात्पर्य वर्दि एवं वन्दन-पत्रों का धारक अपना नाम और उक्त नियम में पंजीकृत करवाता है।

[म. 7624/फा. स. 178/53/87-आ. क. (नि.-1)]

New Delhi, the 20th November, 1987

S.O. 125.—In exercise of the powers conferred by item (h) of sub-clause (iv) of clause (15) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central

Government hereby specifies "9 percent Secured Redeemable Non-convertible Bonds of Rs. 1000 each" issued by the Indian Railway Finance Corporation Limited for the purpose of the said item:

Provided that the benefit under the said item shall be admissible only if the holder of such bonds registers his name and the holding with the said Corporation.

[No. 7624 (F. No. 178/53/87-IT(A1))

नई दिल्ली, 3 दिसंबर, 1987

मा. आ. 126.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उप-खण्ड के प्रयोजनार्थ, "वी वेकेडा चलापन आयोजनम्, काविष्ठानम् त्रिओर" को कर-निर्धारण वर्ष 1988-89 के लिए अधिगृहित करती है।

[ग. 7642 (फा. म. 197/128/87-आ. क. (नि.-1))

New Delhi, the 3rd December, 1987

S.O. 126.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Venkatachalam Annachathram, Kabisthalam, Tanjore" for the purpose of the said sub-clause for the assessment year 1988-89.

[No. 7642 (F. No. 197/128/87-IT(A1))

का. आ. 127—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उप-खण्ड के प्रयोजनार्थ, "नेशनल वेलफेयर फंड फार एंटर प्रमन्त" को कर-निर्धारण वर्ष 1986-87 से 1988-89 के लिए अधिगृहित करती है।

[स. 7641 (फा. ग. 197/157/87-आ. क. (नि.-1))

S.O. 127.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Welfare Fund for Sportspersons" for the purpose of the said sub-clause for the assessment years 1986-87 to 1988-89.

[No. 7641 (F. No. 197/157/87-IT(A1))

का. आ. 128.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उप-खण्ड के प्रयोजनार्थ, "आत्मा वल्लभ मन्दिर उत्कर्ष ट्रस्ट, बम्बई" को कर-निर्धारण वर्ष 1983-84 से 1988-89 तकिया अधिगृहित करती है।

[स. 7643 (फा. म. 197/237/87-आ. क. (नि.-1))

S.O. 128.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Atma-Vallabh Samaj Utkarsh Trust, Bombay" for the purpose of the said sub-clause for the assessment years 1983-84 to 1988-89.

[No. 7643 (F. No. 197/237/87-IT(A1))

का. आ. 129.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उप-खण्ड के प्रयोजनार्थ, "फैडरेशन ऑफ इण्डियन बैम्बर्स ऑफ ग्रामसं पवें इण्डस्ट्री नई दिल्ली" को कर-निर्धारण वर्ष 1988-89 के लिए अधिगृहित करती है।

[म. 7644 (फा. स. 197/237/86-आ. क. (नि.-1))

S.O. 129.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Federation of Indian Chambers of Commerce & Industry, New Delhi" for the purpose of the said sub-clause for the assessment year 1988-89.

[No. 7644 (F. No. 197/237/86-IT(A1))

नई दिल्ली, 4 दिसंबर, 1987

का. आ. 130.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उप-खण्ड के प्रयोजनार्थ, "सरदार वल्लभ भाई पटेल मैमोरियल सोसायटी, अहमदाबाद" को करन निर्धारण वर्ष 1985-86 से 1988-89 के लिए अधिगृहित करती है।

[ग. 7645 (फा. म. 197-फ/284/82-आ. क. (नि.-1))

New Delhi, the 4th December, 1987

S.O. 130.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sardar Vallabhbhai Patel Memorial Society, Ahmedabad" for the purpose of the said sub-clause for the assessment years 1985-86 to 1988-89.

[No. 7645 (F. No. 197-A/284/82-IT(A1))

नई दिल्ली, 17 दिसंबर, 1987

का. आ. 131.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उप-खण्ड के प्रयोजनार्थ, "वर्ल्ड वाइल्ड लाइफ फंड इण्डिया, बम्बई" को कर-निर्धारण वर्ष 1988-89 के लिए अधिगृहित करती है।

[स. 7666 (फा. स. 197/238/87-आ. क. (नि.-1))

के. के. त्रिपाठी, उप सचिव

New Delhi, the 17th December, 1987

S.O. 131.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "World Wildlife Fund-India, Bombay" for the purpose of the said sub-clause for the assessment year 1988-89.

[No. 7666 (F. No. 197/238/87-IT(A1))
K. K. TRIPATHI, Dy. Secy.

नई दिल्ली, 19 नवम्बर, 1987

(आयकर)

का. आ. 132—आयकर अधिनियम, 1961 की धारा 2 के खण्ड (44) के उप-खण्ड (iii) के अनुसार में जारी की गई निम्नलिखित अधिसूचनाएं, स्तर 4 में उल्लिखित तारीखों के बाद से लागू नहीं होंगी।—

क्रम सं. कर वसूली अधिकारियों के रूप में नियुक्त उस अधिसूचना की संभ्या और तारीख जिसके बह तारीख जिसको कर वसूली अधिकारियों को कर वसूली अधिकारी कारियों के रूप में कार्यभार सौंपा।
किए गए अधिकारियों के नाम स्वतंत्र अधिकारियों को कर वसूली अधिकारी कारियों के रूप में नियुक्त किया गया था

1	2	3	4
1. श्री एम. एम. रस्तोगी .	7047 दिनांक 16-12-85 [फा. सं. 398/36/85-आ. क. (ब)]	16-4-1987	
2. श्री पी. एम. देव राजन्	—तदैव—	30-4-1987	
3. श्री एन. ए. काजी	6131 दिनांक 4-2-1985 [फा. सं. 398/36/84-आ. क. (ब)]	11-6-87	
4. श्री एस. जे. वायंगकर	—तदैव—	10-6-87	
5. श्रीमती एन. एल. मंदी	5816 दिनांक 21-5-1984 [फा. सं. 398/27/83-आ. क. (ब)]	31-7-1987	

यह अधिसूचना तत्काल लागू होगी।

[सं. 7620 (फा. सं. 398/30/87-आ. क. (ब))
बी. ई. प्रलैखजेडर, अवार सचिव

नई दिल्ली, 21 नवम्बर, 1987

(आयकर)

New Delhi, the 19th November, 1987

INCOME-TAX

S. O. 132—The undermentioned notifications issued in pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), cease to have effect after the dates indicated in Col. 4

Sl. No.	Name of the Officials appointed as TROs.	No. and date of the Notification under which officials were appointed as TROs	The date on which the TROs handed over charge as TROs	
1	2	3	4	
1.	Shri S.M. Rastogi	7047 dated 16-12-86 [F. No. 398/36/85-IT(B)]	16-4-1987	
2.	Shri P.S. Devarajan	-do-	30-4-1987	
3.	Shri N.A. Kazi	6131 dated 4-2-1985 [F. No. 398/36/84-IT(B)]	11-6-1987	
4.	Shri S.J. Valngankar	-do-	10-6-1987	
5.	Smt. N.L. Mantri	5816 dated 21-5-1984 [F. No. 398/27/83-IT(B)]	31-7-1987	

2. This notification comes into force with immediate effect.

[No. 7620 (F. No. 398/30/87-IT(B))
B.E. ALEXANDER, Under Secy.

का. आ. 133—आयकर अधिनियम, 1961 (1961 का 43) की धारा 193 के परन्तुके खण्ड (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोगजनर्थ नवेनी लिंगनाईट कापोरेशन लि., नवेनी तमिलनाडु द्वारा जारी किए गए “13%—आरक्षित विमोच्य असंपरिवर्तनीय बन्ध पत्र (ख श्रृंखला)” को विनिर्दिष्ट करती है।

बग्ने कि पृष्ठांकन अथवा वितरण द्वारा इस प्रकार के बंध पत्रों के अन्तरण के मामले में उक्त परन्तुके अन्तर्गत लाभ के बावजूद तब स्वीकार्य होगा जबकि अन्तरिती इस प्रकार के अन्तरण से 60 दिन की अवधि के अन्दर रजिस्टर लाक द्वारा नवेनी लिंगनाईट कापोरेशन लि., नवेनी, तमिलनाडु को सूचित करे।

[मं. 7629(फा. सं. 275/83/87-आ. क. (ब.)]
बा. नागराजन, निदेशक

New Delhi, the 21st November, 1987

INCOME-TAX

S.O. 133.—In exercise of the powers conferred by clause (ii) of the proviso to section 193 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies the “13 percent—Secured Redeemable Non-convertible bonds

(B-Sries)" issued by the Neyveli Lignite Corporation Limited Neyveli, Tamil Nadu, for the purpose of the said clause.

Provided that the benefit under the said provision shall be admissible in the case of transfer of such bonds by endorsement or delivery, only if the transferee informs the Neyveli Lignite Corporation Limited, Neyveli, Tamil Nadu by registered post within a period of sixty days of such transfer.

[No. 7629/275/83-87-ST(B)]

B. NAGARAJAN, Director

नई दिल्ली, 31 दिसंबर, 1987

आदेश

स्टाम्प

का०आ० 134.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा अडवानी औरलिकोन लिं, अम्बई, को मात्र चार लाख बीस हजार रुपये के उस समेकित स्टाम्प शुल्क की अदायगी करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले केवल पांच करोड़ साठ लाख रुपये के अंकित मूल्य के क्र० सं० 00001 से 28,000 तक के 15% आरक्षित असम्पर्चिवर्तीय ऋणपत्रों पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं० 53/87-स्टाम्प-का०सं० 33/58/87-बि०क०]

New Delhi, the 31st December, 1987

ORDER

STAMPS

S.O. 134.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Advani-Oerlikon Limited, Bombay to pay consolidated stamp duty of rupees four lakhs and twenty thousand only, chargeable on account of the stamp duty on 15 per cent secured Non-Convertible Debentures bearing serial nos. 00001 to 28,000 of the face value of rupees five crores and sixty lakhs only to be issued by the said Company.

[No. 53/87-Stamp-F. No. 33/58/87-ST]

आदेश

स्टाम्प

का० आ० 135.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा बावरे काटन मिल्स कम्पनी लिं, कलकत्ता को मात्र एक लाख चत्वारीम हजार पांच सौ दस रुपये के उस समेकित स्टाम्प शुल्क की अदायगी करने की अनुमति प्रदान करती है जो उक्त कम्पनी द्वारा जारी किए जाने वाले केवल एक करोड़ बासवे लाख अड्सठ हजार रुपये के अंकित मूल्य 13.5% आरक्षित विमोच्य परिवर्तीय ऋणपत्रों पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं० 54/87-स्टाम्प-का०सं० 33/61/87-बि०क०]

आर०एन० चौधरी, उप सचिव

ORDER
STAMPS

S.O. 135.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Bowresh Cotton Mills Company Limited, Calcutta to pay consolidated stamp duty of rupees one lakh forty four thousand five hundred and ten only, chargeable on account of the stamp duty on 13.5 percent secured redeemable convertible debentures of the face value of rupees one crore ninety two lakhs and sixty eight thousand only to be issued by the said Company.

[No. 54/87-Stamp. F. No. 33/61/87-ST]

R. L. CHAUDHRY, Dy. Secy.

(व्यय विभाग)

नई दिल्ली, 4 जनवरी, 1988

का०आ० 136.—राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 34 के साथ पठित नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) के खण्ड (आ) और नियम 24 के उपनियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए वित्त, मंत्रालय (व्यय विभाग) की अधिसूचना सं० का० नि० आ० 639, तारीख 28 फरवरी, 1957 का निम्नलिखित और संशोधन करते हैं, अर्थात्:—

उक्त अधिसूचना की अनुसूची में भाग-1—साधारण केन्द्रीय सेवा समूह (ख) में:—

(क) स्तम्भ 1 में, "नियंत्रक और महालेखा परीक्षक के अधीनस्थ सभी नेबा और लेखापरीक्षा कार्यालय" शीर्षक के नीचे, "ज्येष्ठ वैयक्तिक सहायक" प्रविष्टि के पश्चात् निम्नलिखित प्रविष्टि अन्तःस्थापित की जाएगी, अर्थात्:— "सहायक लेखा अधिकारी";

(ख) स्तम्भ 1 में, "भारतीय लेखापरीक्षा और लेखा सेवा कर्मचारियन्द महाविद्यालय" शीर्षक के नीचे "ज्येष्ठ वैयक्तिक सहायक" प्रविष्टि के पश्चात् निम्नलिखित प्रविष्टि अन्तःस्थापित की जाएगी,

अर्थात्:— "सहायक लेखा अधिकारी"।

[का०सं० सी०-11021/3/86-ई० जी० 1]

डी० ल्यामेश्वरन, अधर सचिव

टिप्पण मूल अधिसूचना का० नि० आ० 639 तारीख 28-2-1957 की अनुसूची को भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 22-12-1979 में प्रकाशित का० आ० 4049, तारीख 10-12-1979 द्वारा प्रतिस्थापित किया गया था और वाद में निम्नलिखित द्वारा संशोधन किया गया:—

(i) भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 18-2-1984 में प्रकाशित का० आ० 506, तारीख 6-2-1984।

(ii) भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 6-10-1984 में प्रकाशित का० आ० 3145, तारीख 19-9-1984; और

(iii) भारत के राजपत्र, भाग 2, घण्ट 3, उपचारण
(ii), तारीख 4-7-1987 में प्रकाशित कांग्रेस
1674, तारीख 25-6-1987

(Department of Expenditure)

New Delhi, the 4th January, 1988

S.O. 136.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 read with rule 34 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendment in the notification of the Ministry of Finance (Department of Expenditure) No. S.R.O. 639, dated the 28th February, 1957, namely :—

In the Schedule to the said notification, in Part-I-General Central Service Group (B),—

(a) under the heading "All Accounts and Audit Offices subordinate to the Comptroller and Auditor General", in column 1, after the entry "Senior Personal Assistant", the following entry shall be inserted, namely :—

"Assistant Accounts Officer";

(b) under the heading "Indian Audit and Accounts Service Staff College", in column 1, after the entry "Senior Personal Assistant", the following entry shall be inserted, namely :—

"Assistant Accounts Officer";

[F. No. C-11021/3/86-E.G.I.]

D. THYAGESWARAN, Under Secy.

NOTE.—The Schedule to the original notification S.R.O. 639 dated 28-2-1957 was substituted by S. O. 4049 dated 10-12-1979 published in the Gazette of India dated 22-12-1979 in Part II, Section 3, sub-section (ii) and was further amended by—

- (1) S.O. 506 dated 6-2-1984 published in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated 18-2-1984;
- (2) S.O. 3145 dated 19-9-1984 published in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated 6-10-1984; and
- (3) S.O. 1674 dated 25-6-1987 published in the Gazette of India, Part-II, Section 3, Sub-Section (ii) dated 4-7-1987.

उच्चोग मंत्रालय

(कार्यपाली कार्य विभाग)

नई दिल्ली, 31 दिसंबर, 1987

का.आ. 137.—एकाधिकार तथा अवरोधक व्यापारिक व्यवहार अधिनियम, 1969 (1969 का 54) की धारा 26 की उपवारा (3) के अनुसार में केन्द्रीय सरकार एवं द्वारा इस अधिसूचना के माध्य संलग्न अनुलग्नक में उल्लिखित उपक्रमों के पंजीकरण के निरस्तीकरण को अधिसूचित करनी है। उक्त उपक्रम ऐसे उपक्रम हैं जिन पर उक्त अधिनियम के भाग "क" अध्याय 3 के उपबन्ध अब लागू नहीं होते।

[म. 16/12/86-एम. (3)]
ए.ल.सी. गोपन, अवर मचिय

अधिसूचना सं 16/12/86-एम.-3 वा अनुलग्नक

क्रम उपक्रम का नाम सं.	पंजीकृत पता	पंजीकरण संख्या
1. मै. घाटगे पाटिल, पैक-प्रिंट प्रा. निभिटेड	1227-ई राजा-राम रोड, कोल्हापुर-416008	1631/83
2. मै. वीवेल ज्योति, पावर इलेक्ट्रानिक्स लि.	225-ई, आचार्य जगदीश चन्द्र बोस रोड, कलकत्ता-700020.	1577/82

MINISTRY OF INDUSTRY

(Department of Company Affairs)

New Delhi, the 31st December, 1987

S.O. 137.—In pursuance of Sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of the undertakings mentioned in the Annexure to this notification, the said undertakings being undertakings to which the provisions of Part A Chapter III of the said Act no longer apply.

[No. 16/12/86-M. III]
L. C. GOYAL, Under Secy.

ANNEXURE TO THE NOTIFICATION No. 16/12/86-M. III

Sl. No.	Name of the Undertaking	Registered Address	Registration Number
(1)	M/s. Ghate Patil Pack-Print Private Limited	1227-Γ, Rajaram Road, Kolhapur-416 008.	1631/83.
(2)	M/s. Webel Jyoti Power Electronics Limited.	225-B, Acharya Jagdish Chandra Bose Road, Calcutta-700 020.	1577/82.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 22 दिसंबर, 1987

का०आ० 138:—दत्त चिकित्सक अधिनियम 1948 (1948 का 16) की धारा 3 के खण्ड (क) के अनुसरण में आ० वी० आर० भुज्यां, प्रिसिपल, धेवीय दन्तचिकित्सा महानिदेशक, गुवाहाटी, असम को 1 अगस्त, 1987 से असम राज्य सरकार द्वारा भारतीय चिकित्सा परिषद का सदस्य तुम्हें नामनिर्देशित किया गया है;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपन्धारा (1) के साथ पठित धारा-3 के खण्ड (क) के अनुसरण में भारत सरकार के रवास्थ्य और परिवार कल्याण मंत्रालय की अधिसूचना संख्या का० आ० 430 तारीख 24 जनवरी, 1984 का निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, “धारा 3 के परन्तुके साथ पठित खण्ड (क) के अन्तर्गत निर्वाचित” शीषक के अर्ध म, क्रम संख्या 2 के सामने स्थान 5 में की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

“1 अगस्त, 1987”

[संख्या वी० 12013/1/87-पी० एम० एस०]

MINISTRY OF HEALTH & FAMILY WELFARE
(Dept. of Health)

New Delhi, the 22nd December, 1987

S.O. 138.—Whereas in pursuance of clause (e) of section 3 of the Dentists Act, 1948 (16 of 1948), Dr. B. R. Bhuyan Principal, Regional Dental College, Guahati, Assam has been re-nominated to be a member of the Dental Council of India by the State Government of Assam with effect from the 1st August, 1987;

Now, therefore, in pursuance of clause (e) of section 3 read with sub-section (1) of section 6 of the said Act, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Welfare, No. S.O. 430 dated the 24th January, 1984, namely:—

In the said notification, under the heading “Nominated under clause (e) read with the proviso to section 3, against serial number 2, in column 5, for the entry, the following entry shall be substituted, namely:—

“1st August, 1987.”

[No. V. 12013/1/87-PMS]

नई दिल्ली, 23 दिसंबर, 1987

का.आ० 139.—केन्द्रीय सरकार ने दत्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के खण्ड (च) के अनुसरण में मेजर जनरल पी०एन० नायर, अपर महानिदेशक, दत्त चिकित्सा मेवाएं आर्मी डेंटल कोर, रक्षा

मंत्रालय, नई दिल्ली को मेजर जनरल पी०एन० लूथरा के रथान पर 29 सितम्बर, 1987 से 30 सितम्बर, 1991 तक भारतीय दंत चिकित्सा परिषद का भद्रस्य नामनिर्देशित किया है,

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपन्धारा (4) के साथ पठित धारा 3 के खण्ड (च) के अनुसरण में भारत सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय की अधिसूचना सं. का. आ० 430, तारीख 24 जनवरी, 1984 का निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में “धारा 3 के परन्तुके साथ पठित खण्ड (व) के अधीन नामनिर्देशित” शीषक के अर्ध म, क्रम संख्या 3 और उसमें भवित्वित प्रविष्टियों के स्थान पर निम्नलिखित रद्दा जाएगा, अर्थात्:—

“3. मेजर जनरल	केन्द्रीय सरकार	29 सितम्बर,
पी०एन० नायर,		1987 से,
अपर महानिदेशक,		30 सितम्बर
दत्त चिकित्सा मेवाएं,		1991 तक”
आर्मी डेंटल कोर,		
रक्षा मंत्रालय,		
नई दिल्ली।		

[सं. वी० 12013/5/87-पी०एन०एस०]

जी० जी० कै० नायर, अवर सचिव

New Delhi, the 23rd December, 1987

S.O. 139.—Whereas in pursuance of clause (f) of section 3 of the Dentists Act, 1948 (16 of 1948), Maj. Gen. P. N. Nayar, Additional Director General Dental Services, Army Dental Corps, Ministry of Defence, New Delhi has been nominated to be a member of the Dental Council of India by the Central Government with effect from the 29th September, 1987 to 30th September, 1991, vice Maj. Gen. S. N. Luthra;

Now, therefore, in pursuance of clause (f) of section 3 read with sub-section (4) of section 6 of the said Act, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Welfare No. S.O. 430 dated the 24th January, 1984, namely:—

In the said notification, under the heading “Nominated under clause (f) read with the proviso to section 3”, for serial number 3 and the entries relating thereto, the following shall be substituted, namely:—

“3. Maj. General P. N. Nayar
Addl. D. G. Dental
Services, Army Dental
Corps, Ministry of
Defence, New Delhi.

Central
Government

29th September, 1987
to 30th September,
1991.”

[No. V. 12013/5/87-PMS]
G. G. K. NAIR, Under Secy.

नई दिल्ली, 29 दिसंबर, 1987

आदेश

का. आ. 140:—केन्द्रीय सरकार ने भारत सरकार के स्वास्थ्य मंत्रालय की अधिसूचना सं. एफ 16-16/60 प्र.म 1, तारीख 24-2-1961 द्वारा निदेश दिया है कि चिकित्सीय, अर्हता एम.डी. विरजीनिया विश्वविद्यालय, सं.रा. अ भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजनों के लिए मन्त्रालय प्राप्त चिकित्सीय अर्हता होगी,

और डा. बेवर्ली ई. बूथ, जिसके पास उक्त अर्हता है, पृष्ठार्थ कार्य के प्रयोजनों के लिए तत्समय क्रियावान मेडिकल कालेज एंड ब्राउन मेमोरियल हास्पीटल, लुधियाना में नियुक्त है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 14 की उपधारा (1) के परंतुक के खंड- (ग) के अनुसरण में—

(i) दो वर्ष की अवधि या (ii) उस अवधि को जिस के दौरान डा. बेवर्ली ई. बूथ उक्त क्रियावान मेडिकल कालेज एंड ब्राउन मेमोरियल हास्पीटल, लुधियाना, में नियुक्त हैं, इनमें से जो भी कम है, ऐसी अवधि के रूप में विनियोग करती है, जिसके लिए पूर्वोक्त डाकटर द्वारा चिकित्सीय व्यवसाय करना सीमित होगा।

[सं. वी. 11016/9/86-एम.ई. (पी)]
आर. श्रीनिवासन, अवर मन्त्री

New Delhi, the 29th December, 1987

ORDER

S.O. 140.—Whereas by the notification of the Government of India in the Ministry of Health No. F. 16-16/60-MI dated the 24th February, 1961 the Central Government has directed that the medical qualification, "M.D., University of Virginia, USA shall be recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. Beverley E. Booth who possesses the said qualification is for the time being attached to the Christian Medical College and Brown Memorial Hospital, Ludhiana for the purposes of charitable work.

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of Section 14 of the said Act, the Central Government hereby specifies—

- (i) a period of two years; or
- (ii) the period during which Dr. Beverley E. Booth is attached to the said Christian Medical College and Brown Memorial Hospital, Ludhiana whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

{No. V. 11016/9/86-ME(P)}

R. SRINIVASAN, Under Secy

जल-भूतल परिवहन मंत्रालय

नई दिल्ली, 31 दिसंबर, 1987

का. आ. 141—चूंकि गोदी श्रमिक (रोजगार का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा यथा अपेक्षित कलकत्ता गोदी श्रमिक (रोजगार का विनियमन) स्कीम 1970 को आगे संशोधित करने की स्कीम का प्राकृत भारत सरकार, जल-भूतल परिवहन मंत्रालय की अधिसूचना सं. का. आ. 3011 दिनांक 21 अक्टूबर 1987 को प्रकाशित किया गया था जिसमें उससे प्रभावित होने वाले सभी व्यक्तियों से उक्त अधिसूचना के सरकारी राजपत्र में प्रकाशन की तारीख से 45 दिनों के भीतर आपत्तियां और सुझाव आमंत्रित किए गए थे;

और चूंकि जनसाधारण से उक्त प्राप्त पर कोई आपत्ति या सुझाव प्राप्त नहीं हुए हैं;

अतः अब केन्द्रीय सरकार एतद्वारा उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कलकत्ता गोदी श्रमिक (रोजगार का विनियमन) स्कीम, 1970 को आगे संशोधित करने के लिए निम्नलिखित स्कीम बनाती है, अर्थात्—

1. (1) यह स्कीम कलकत्ता गोदी श्रमिक (रोजगार का विनियमन) स्कीम, 1987 है।

(2) यह सरकारी राजपत्र में प्रकाशन की तारीख में प्रभूत होगी।

2. कलकत्ता गोदी श्रमिक (रोजगार का विनियमन) स्कीम, 1970 की अनुसूची VI में अनुच्छेद 4 के नीचे टिप्पणी (1) के स्थान में निम्नलिखित रखे जाएंगे, अर्थात्—

"(1) 60 टन से अधिक भार वाले व्यक्तिगत पैकेज (लोडिंग और अनलोडिंग प्रचालन के लिए कटेनरों को छोड़कर) टाईम रेट पर होंगे।"

[फाईल सं. एल वी-12014/3/87-एल
दी. शंकरलिंगम, निदेशक

MINISTRY OF SURFACE TRANSPORT

New Delhi, the 31st December, 1987

S.O. 141.—Whereas draft of a scheme further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 was published, as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), with the notification of the Government of India in the Ministry of Surface Transport No. S.O 3011, dated the 21st October, 1987, inviting objections and suggestions from all persons likely to be affected thereby within a period of 45 days from the date of publication of the said notification in the Official Gazette;

And whereas, no objection or suggestions have been received from the public on the said draft;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following Scheme further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970, namely :—

1. (1) This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1987.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In Schedule VI to the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970, for Note (1) below clause 4, the following Note shall be substituted namely :—

"(1) Individual packages (other than containers for loading and unloading operation) weighing over 60 tonnes shall be time rated."

[F. No. LB-12014/3/87-L.IV]

V. SANKARALINGAM, Director

संस्कृति विभाग

(भारतीय पुरातत्व सर्वेक्षण)

तई दिल्ली, 21 दिसम्बर, 1987

(पुरातत्व)

का. आ. 142—केन्द्रीय सरकार ने, भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिगूच्छना सं. का.आ. 368, तरीख 17 जनवरी, 1986 द्वारा इसमें उपायद्वारा अनुसूची में विनिर्दिष्ट करणधर और गोलक घर के समीपस्थित पार्किंग स्थानों को निर्माण के प्रयोजन के लिये प्रतिविद्ध क्षेत्रों के रूप में घोषित करने के अपने आवश्यकीय सूचनाएँ दी थीं और उक्त अधिगूच्छना की एक प्रति प्राचीन संस्मारक स्थल और पुरातत्त्वीय स्थल और अवागम तिथि, 1959 के नियम 31 के उपनियम (1) के अधीन यथा अपेक्षित क्षेत्र के निकट सहजदृश्य स्थान पर चिपका दी गई थीं;

और उक्त राजपत्र अधिगूच्छना की प्रतियां जनता को 3 फरवरी, 1986 को उपलब्ध करा दी गई थीं ;

और जनता से कोई आक्षेप प्राप्त नहीं हुए हैं;

अतः अब, केन्द्रीय सरकार, उक्त नियमों के नियम 32 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त क्षेत्रों को निर्माण के प्रयोजन के लिये प्रतिसिद्ध क्षेत्र घोषित करनी है।

अनुसूची

राज्य	जिला	तहसील	अवस्थान	संस्मारक का नाम	राजस्व प्लाट सं. जिन्हे प्रतिविद्ध घोषित किया जाता है	स्वामित्व	टिप्पणिया
1	2	3	4	5	6	7	8
असम	शिवसागर	शिवसागर	जयसागर	करणधर और गोलधर	सर्वेक्षण प्लाट सं. में खुले क्षेत्र सं. 6991, 6993, 6994, 6996, 7005, 7008, 7009, 7010, 7011, 7012, 7002, 7003, 7004, 7019, 7020, 7021, 7022, 7023, 7028, 7029, 7030, 7058, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050, 7051, 7052, 7053, 7054, 7055, 7056, 7057, 7058, 7059, 7119, 7122, 7123, 7124, 7126, 7127, 7128, 7129, 7130, 7131, 7132, 7133, 7134, 7135, 7136, 7137, 7138, 7149, 7150, 7151, 7152, 7153, 7154, 7155, 7159, 7179, 7180,	सर्वेक्षण प्लाट सं. 6996, 7149, 7812 और 8003 सरकारी जेप निजी हैं	

1	2	3	4	5	6	7	8
			7181, 7182, 7183, 7184,				
			7185, 7186, 7187, 7198,				
			7595 7599 7600, 7601,				
			7602, 7603, 7604, 7605,				
			7606, 7607, 7608, 7609, 7610,				
			7611, 7612, 7613, 7614,				
			7615, 7616, 7617, 7618,				
			7619, 7620, 7621, 7622,				
			7623, 7624, 7625, 7626,				
			7627, 7628, 7629, 7800, 7801,				
			7802, 7803, 7804, 7805,				
			7806, 7807, 7608, 7799,				
			7809, 7810, 7811, 7812,				
			7813, 7814, 7829, 7830,				
			7831, 8003, 7024, 7027,				
			7158, 7193 और 7642				

[पं. 8/8/85-एम.]

DEPARTMENT OF CULTURE
(Archaeological Survey of India)

New Delhi, the 21st December, 1987
(ARCHAEOLOGY)

S.O. 142.—Whereas by the notification of the Government of India in the Department of Culture (Archaeological Survey of India) No. S.O. 368, dated the 17th January, 1986, the Central Government gave notice of its intention to declare the open areas near or adjoining Karanghar and Golakghar specified in the Schedule annexed hereto to be prohibited areas for purpose of constructions and a copy of the said notification was affixed on a conspicuous place

hear the areas required under sub-rule (1) of rule 31 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959;

And whereas the copies of the said Gazette notification were made available to the public on the 3rd February, 1986;

And whereas no objections have been received from the public;

Now, therefore, in exercise of the powers conferred by rule 32 of the said rules, the Central Government hereby declares the said areas to be prohibited areas for purpose of constructions.

SCHEDULE

State	District	Tehsil	Locality	Name of monument	Revenue plot numbers to be declared prohibited	Ownership	Remarks	
1	2	3	4	5	6	7	8	
Assam	Sibsagar	Sibsagar	Joysagar	Karanghar and Golakghar	Open land in survey plot numbers 6991, 6993, 6994, 6996, 7005, 7007, 7008, 7009, 7010, 7012, 7002 7003, 7004, 7019, 7020, 7021, 7022, 7023, 7028, 7029, 7030, 7058, 7040, 7041, 7042, 7043, 6044, 7045, 7046, 7047, 7048, 7049, 7050, 7051, 7052, 7053, 7054, 7055, 7056, 7057, 7058, 7059, 7119, 7122, 7123, 7124, 7126, 7127, 7128, 7129, 7130, 7131, 7132, 7133, 7134, 7135, 7136, 7137, 7138, 7149, 7150, 7151, 7152, 7153, 7154, 7155, 7159, 7179, 7180, 7181, 7182, 7183, 7184, 7185, 7186, 7187, 7198, 7195, 7599, 7600, 7601, 6702, 7603, 7604, 7605, 7606, 7607, 7608, 7609, 7610, 7611, 7612, 7613, 7614, 7615, 7616, 7617, 7618, 7619, 7620, 7621, 7622, 7623,	Survey plot numbers 6996, 7149, 7812 and 8003 Government, remaining private.		

1	2	3	4	5	6	7	8	
				7623, 7624, 7625, 7626, 7627, 7629, 7628, 7800, 7801, 7802, 7803, 7804, 7805, 7806, 7807, 7799, 7808, 7809, 7810, 7811, 7812, 7813, 7814, 7828, 7829, 7830, 7831, 8003, 7024, 7027, 7158, 7193, and 7642.				

[No. 8/8/83-M]

नई दिल्ली, 28 दिसम्बर, 1987

का. आ. 143—केन्द्रीय सरकार, को यह राय है कि इसमें उपायद्वारा अनुमूल्यी में विनिर्दिष्ट प्राचीन संस्मारक राष्ट्रीय महत्व के हैं;

अतः, अब केन्द्रीय सरकार, प्राचीन संस्मारक तथा पुरातात्त्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने अधिकार की सूचना देनी है।

ऐसे आक्षेप पर, जो इस राजपत्र में अधिसूचना के प्रकाशन की तारीख से दो मास की अवधि के भीतर उक्त प्राचीन संस्मारक में हितवद्ध कियी अवधि से प्राप्त होगा, केन्द्रीय सरकार त्रिचार करेगी।

अनुमूल्यी

राज्य	जिला	परिषेत्र	संस्मारक का नाम	संरक्षण के अधीन समिलित किया जाने वाला राजस्व प्लाट संस्थान
मध्य प्रदेश	पन्दा	ग्राम नामना	चौमुखनाथ मंदिर	सर्वें धारण प्लाट संख्या 97
क्षेत्र	सीमा	स्वामित्व	ट्रिप्पणियां	
0.016 हेक्टर	उत्तर—सर्वेंक्षण प्लाट सं. 96 पूर्व —सर्वेंक्षण प्लाट सं. 96 दक्षिण—सर्वेंक्षण प्लाट सं. 96 पश्चिम—सड़क	मध्य प्रदेश सरकार	धार्मिक उपयोग	
6	7	8	9	

[सं. 2/1/एम पी/2/63-एम.]

जगत् पति जोशी, महानिदेशक

New Delhi, the 28th December, 1987

S.O. 143.—Whereas the Central Government is of the opinion that the ancient monument specified in the Schedule annexed hereto is of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958),

the Central Government hereby gives notice of its intention to declare the said ancient monument to be of national importance.

Any objection which may be received within a period of two months from the date of issue of this notification in the Official Gazette from any person interested in the said ancient monument will be taken into consideration by the Central Government.

SCHEDULE

State	District	Locality	Name of monument	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9
Madhya Pradesh	Panna	Village Nachna	Chaumukh Nath temple	Survey plot number 97	0.016 hectares	North.—Survey plot number 96. East.—Survey plot number 96. South.—Survey plot number 96. West.—Road	Government of Madhya Pradesh	Religious use.

[No. 2/1/MP/2/63-M]
JAGAT PATI JOSHI, Director General

खाद्य और नागरिक पूर्ति मंत्रालय

(खाद्य विभाग)

नई दिल्ली, 21 दिसम्बर, 1987

आदेश

का. आ. 144.—अतः केन्द्रीय सरकार ने खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपाप्ति निदेशालयों और खाद्य विभाग के वेनत तथा लेखा कार्यालयों द्वारा किए जाने वाले खाद्यालयों के क्षय, भण्डारण, संचलन, परिवहन, वितरण तथा विक्रय के कृत्यों का पालन करता बंद कर दिया है जोकि खाद्य निगम अधिनियम, 1964 (1964 का 37) की धारा 13 के अधीन भारतीय खाद्य निगम के क्रत्य है।

और अतः क्षेत्रीय खाद्य निदेशालयों, पूर्वी क्षेत्र में कार्य कर रहे और उपरिवर्णित कृत्यों के पालन में लगे निम्नलिखित कर्मचारियों ने केन्द्रीय सरकार के तारीख 16 अप्रैल, 1971 के परिपत्र के प्रत्युत्तर में उसमें विनिर्दिष्ट तारीख के प्रन्दर्भ भारतीय खाद्य निगम के कर्मचारी न बनने के अपने आशय को उक्त अधिनियम की धारा 12ए की उपधारा (1) के परन्तुक द्वारा यथा अपेक्षित सूचना नहीं दी है।

अतः अब खाद्य निगम अधिनियम, 1964 (1964 का 37) यथा मरम्मतन संशोधित की धारा 12ए द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद द्वारा निम्नलिखित कर्मचारियों को प्रत्येक के सामने दी गई तारीख से भारतीय खाद्य निगम में स्थानांतरित करती है:—

अम. गं.	अधिकारी कर्मचारी के नाम	केन्द्रीय सरकार के अधीन स्थायी पद	स्थानांतरण के समय	केन्द्रीय भारतीय खाद्य निगम में सरकार के अधीन पद	स्थानांतरण की तारीख
1	2	3	4	5	6
1. श्री सुरजा कान्ता दास	वाचमैन			वाचमैन	1-3-69

[फा. सं. ए-38022/1/87—एफ. सी.-3]
ओ. पी. गुप्त, अवर सचिव

MINISTRY OF FOOD & CIVIL SUPPLIES

(Department of Food)

New Delhi, the 21st December, 1987

ORDER

S.O. 144.—Whereas the Central Government has ceased to perform the functions of purchase, storage, movement, transport, distribution and sale of foodgrains done by the Department of Food, the Regional Directors of Food, the Procurement Directorates and the Pay & Accounts Offices of the Department of Food which under section 13 of the

Food Corporation Act, 1964 (37 of 1964) are the functions of the Food Corporation of India;

And whereas the following employee serving in the Regional Directorate of Food, Eastern Region, and engaged in the performance of the functions mentioned above has not, in response to the circular of the Central Government dated the 16th April, 1971, intimated, within the date specified therein, his intention of not becoming employee of the Food Corporation of India as required by the proviso to sub-section (1) of Section 12-A of the said Act;

Now, therefore in exercise of the powers conferred by section 12A of the Food Corporation Act, 1964 (37 of 1964), the Central Government hereby transfer the following employee

to the Food Corporation of India with effect from the date mentioned against him :—

Sl. No.	Name of the officer/employee	Permanent post held under the Central Govt.	Post held under the Central Govt. at the FCI	Date of transfer
1	2	3	4	5
1.	Shri Surja Kanta Das	Watchman	Watchman	1-3-69

[F. No. A-38022/1/87-FC.III]
O. P. GUPTA, Under Secy.

श्रम मंत्रालय

नई दिल्ली 30 दिसम्बर, 1987

का. आ. 145.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय जीवन बीमा निगम के प्रबंधालंब से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-1987 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 31st December, 1987

S.O. 145.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure in the Industrial Disputes between the employers in relation to the Life Insurance Corporation of India and their workmen, which was received by the Central Government on the 21st December, 1987.

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
KANPUR : UTTAR PRADESH

Industrial Dispute No. 72 of 1986

Reference No. L-17012(50)/85-D.IV(A) dated 7th April, 1986.

In the matter of dispute between :

Shri Mohammad Ishhaq
Shatir Gate
Mohalla Nau Gaju
House No. 118
Meerut, Uttar Pradesh.

AND

The Divisional Manager,
Life Insurance Corporation of India
Prabhat Nagar,
Meerut, Uttar Pradesh.

APPEARANCE :

Sardar Amreek Singh, Adv.—for the Management.
Shri N. K. Verma, representative—for the workman.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-17012(50)/85-D-IV(A) dt. 7-4-86, has referred the following dispute for adjudication to this Tribunal :
7 GI/88—3.

Whether the action of the management of Life Insurance Corporation of India, Meerut, in terminating the services of Shri Mohammad Ishqaq, workman with effect from 30-5-84 is justified ? If not, to what relief is the workman concerned entitled ?

2. The case of the workman in brief is that the Life Insurance Corporation of India (hereinafter referred to as LIC) is a statutory public sector corporation and state within the meaning of article 12 of the Constitution of India. It has amongst other places offices, at Meerut including Divisional Office at Prabhat Nagar, Meerut. The workman was appointed as cycle stand watchman at a very low wage of Rs. 15 per month and was posted at LIC Branch Office, Sadar Bazar, Meerut, w.e.f. 25-1-64, v.d. letter dated 16-6-64, copy Annexure A, of Branch Manager, Meerut Cantt., which letter was issued by him on the instructions from Manager, Divisional Office, Meerut. He alleges that when he started pressing for adequate wages, the management instead of agreeing to his justified and legitimate demand terminated his services without any notice, or notice pay and retrenchment compensation in gross violation of sections 25F, 25G and 25H of the Act. He was never paid scale wages nor given benefits enjoyed by regular or temporary candidates or caretakers of LIC. He was treated by the management just as bonded labour. He has, therefore, prayed that the management be directed to reinstate him w.e.f. 30-5-84, and pay him full back wages as per scale of wages applicable to watchman alongwith other consequential benefits.

3. The claim of the workman is contested by the management of LIC. The management admits that LIC is a statutory public sector corporation and a state within the meaning of article 12 of the Constitution of India. Management has further admitted that it has, amongst other places, Divisional Office at Prabhat Nagar, Meerut. It denies that Shri Mohammad Ishqaq was/is a workman as defined under section 2(s) I.D. Act. According to it he was simply a contractor looking after the cycle stand only. The fact is that in none of the offices of LIC throughout India a watchman for the cycle stand is employed exclusively. The employment of the employees in the LIC is governed by Staff Regulations, 1960. The Branch Manager is not at all competent or authorised to appoint a watchman under these regulations. As such letter of appointment issued by the Branch Manager, Meerut Cantt. has no force of law. For his services as contractor he was paid only Rs. 15 per month as nominal consideration for looking after the cycles of the employees of the corporation. He had been charging separately from the visitors and customers of the Corporation, who were visiting office every day and keeping their cycles at the cycle stand. Besides working as contractor he was engaged in the job of cycle repairs and sale of cycle spare parts. The management further pleads that since 1982, he had started making encroachments on the property of LIC near the cycle stand. He did not remove wooden structure which he had unauthorisedly put in in spite of several warnings. Rather his son with his connivance, forcibly occupied a shop adjoining the cycle shop for which a separate case is pending before the Chief Judicial Magistrate, Meerut. During the proceedings before the Assistant Labour Commissioner (Central), Delhi, he had admitted that on some of the occasions when he was absent his son used to look after the cycle stand in his place. Had he been an employee of the Corporation such a thing would not have happened.

4. The workman has filed his rejoinder. In it he alleges that he is a workman within the meaning of term as defined in section 2(s) I.D. Act.

5. In support of its case the management has filed the affidavits of Mahesh Kumar Maheshwari, Narendra Kumar Sharma and Bishan Singh Rana and the workman has filed his own affidavit and the affidavit of S. R. C. Bhardwaj. All these five witnesses were cross-examined by the opposite side. The management has also filed a number of documents.

6. The crucial question for determination in this case is whether or not Shri Mohammad Ishqaq is a workman within the meaning of definition of workman given under section 2(s) I.D. Act. The term "workman" has been defined as meaning any person employed in an industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward whether the terms of

employment are expressed or implied. In para 3 of his affidavit Mohammad Ishhaq has deposed that he was appointed as watchman w.e.f. 25th January, 1964 by Branch Manager, Meerut Cantt Branch by his letter dated 16th June, 1964, issued by him under the instructions from Divisional Manager, Meerut. He has given only reference of the letters of the Branch Manager and the Divisional Manager, Meerut, and has deposed that photostat copies of these letters have already been filed by him in this case. Annexure A to the claim petition is photostat copy of letter dated 16th June, 1964 from the Branch Manager, Meerut Cantt. Branch to Sri Mohammad Ishhaq and paper No. 16 of the list of documents dated 27th November, 1986, is photostat copy of letter from Divisional Officer, Meerut to Branch Manager, Meerut. Since these two letters are the basis of the case put up by Mohammad Ishhaq, it will be proper to reproduce them here.

Letter dated 13th June, 1964 reads as under :—

13-6-65.

The Branch Manager,
Meerut.

Dear Sir,

Sub.—Appointment of Shri Ishhaq Mohammad on a temporary basis.

In reply to your letter Ref. Est/Temp/App/251 dated 13th May, 1964, we approve the appointment of Sri Ishhaq Mohd. on a temporary basis on a monthly wages of Rs. 15. This wages may be paid with retrospective effect from 25th January, 1964, as requested for in your letter please issue him the appointment letter accordingly under intimation to us. It may however, be stated that his services can be terminated at any time without assigning any reason.

Letter dated 16th June, 1964 reads as under :

Est/Temp/Aptt/257
Shri Ishaaq Mohammad
S/o Aladen,
37 Ter Ki Mohalla
Meerut Cantt.

16-6-1964

Dear Sir,

Re : Appointment as watchman for cycle stand of Branch.

Further to your application dated 14th January, 1964, you are informed that you have been appointed as Watchman for Cycle Stand of this branch on a temporary basis on a monthly wages of Rs. 15 with effect from 25th January, 1964.

Please note that your services can be terminated at any time without assigning any reason and without notice.

Yours faithfully,
Sd/-
Branch Manager.

7. It is not the defence of the management that these letters were not issued. All that has been pleaded is that the Branch Manager was not at all competent to appoint a Watchman for cycle stand under staff Regulations, 1960. As such the letter of appointment issued by Branch Manager to Mohd. Ishaaq has no force of law. I may state here that in para 9 of the claim statement Mohammad Ishaaq has fully quoted letter dated 13th June, 1964 from the Divisional Manager to the Branch Manager. With regard to it all that has been stated by management in reply is that the contents of this para being incorrect and misconceived are denied.

8. On 4th April, 1986, the authorised representative for the workman, moved an application for summoning more than 10 documents specified including the said letter dated 13th June, 1964 of the Divisional Manager. This application was allowed by my learned predecessor and the management was directed to produce these documents. Twice management sought time, once on 2nd September, 1986 and the second time 6th October, 1986 to file the documents. But even after seeking time documents were not filed and ultimately an excuse was taken that the file containing the papers in respect of Shri Mohd. Ishaaq is not traceable. To this effect the affidavit of Sri V. K. Jain, an officer of the management was filed on 31st October, 1986. It is also important that the Branch Manager who wrote letter dated 16th June, 1964 and

Divisional Manager who wrote letter dated 13th June, 1964, were not produced in the witness box by the management to explain as to under what circumstances and in what context these letters were written. Management has simply filed affidavits of M.W. 1 Sri Mahesh Kumar Maheshwari M.W.2 Bishan Singh Rana and M.W.3 Sri Narendra Kumar Sharma, Mahesh Kumar Maheshwari is the policy holder; Sri Bishan Singh Rana is working as Agent and Sri Narendra Kumar Sharma is simply an Assistant in the LIC Office at Meerut. I have no doubt in my mind about the existence of these two letters. Staff Regulations, 1960, to which reference has been made in written statement by the management having not been filed, no inference can be drawn that the Branch Manager and Divisional Manager were incompetent to write these letters. We have therefore, to see whether these letters create the relationship of employer and employee between Mohammad Ishaaq and the management. But from the evidence on record and circumstances I find that Mohd. Ishaaq cannot be held to be a whole time employee of the management.

9. In this case the management has filed, as earlier stated, the affidavits of Sri M. K. Maheshwari, Sri N. K. Sharma and Sri B. S. Rana.

10. Sri Mahesh Kumar Maheshwari has deposed in his affidavit that he is a holder of five policies of LIC and in connection with deposit of premiums of these policies he has been often visiting the LIC Branch Office, Meerut Cantt. According to him while visiting the said office he used to deposit his cycle with Mohd. Ishaaq, who in the beginning charged 15 paisa per occasion and then started charging 50 paisa per occasion. He has also deposed that he personally knows Sri Ishaaq, who owns a shop of cycle repairs and sells cycle spare parts. He has described the workman as cycle stand contractor. In his cross-examination he has deposed that he had been visiting the said office 4 or 5 times in a year. It further appears from his statement in cross-examination that he has learnt from someone in the office that Mohd. Ishaaq is a cycle stand contractor.

11. Sri Narendra Kumar Sharma is an Assistant, in the management office at Meerut Cantt. He corroborates Sri Mahesh Kumar Maheshwari on the point that Sri Mohd. Ishaaq has been charging from visitors and policy holders who deposits their cycles at his cycle stand. Charges according to him varied from time to time. He also corroborates the earlier witness on the point that Mohd. Ishaaq has a cycle repair shop and sells cycle spare parts. He too has described Mohd. Ishaaq as a cycle stand contractor. Again to the same effect is the evidence of Sri Bishan Singh Rana who has been working as Agent for Life Insurance Corporation since 1974. According to him it was from the employees of the branch that he learnt that Mohd. Ishaaq was a contractor.

12. As against the above evidence, we have the testimony of Sri Mohd. Ishaaq himself and Sri R. C. Bhardwaj. Sri R. C. Bhardwaj cannot be treated as an independent witness as he has been dismissed by LIC for embezzlement. He was a peon. However, some of the statements made by him in his cross-examination are quite important. He was posted in the Sadar Branch of LIC. According to him whereas he and other employees marked their attendance in the attendance register maintained at the said branch, Mohd. Ishaaq never marked his attendance in the attendance register. The witness has also stated that the facilities which were enjoyed by him and other employees of LIC were never given to him (Mohd. Ishaaq).

13. Mohd. Ishaaq, in his cross-examination has deposed that in the Sadar Bazar Branch of LIC there were 35—40 employees. He corroborates Sri R. C. Bhardwaj when he admits that the facilities which were enjoyed by the employees of LIC were never given to him. He also admitted that he is an illiterate person. In his over zealousness he has however, deposed that during 1984-85 and 1986 he had marked his attendance in the attendance register. This I am not prepared to believe. Firstly, he is contradicted on this point by his own witness Sri R. C. Bhardwaj and secondly, the question of his marking attendance in the attendance register during these years did not arise at all when his own case is that his services were terminated w.e.f. 30th May, 1984.

14. It is the admitted case of the parties that Mohammad Ishaq was getting Rs. 15 per month as wages. Unless he had been doing some other work, that is to say unless he had some other source of income it was impossible for him to meet his both ends meet. This would be so even when he is the sole member in his family. This is a strong piece of circumstantial evidence which lends support to the evidence which management witness gave that he has a cycle repair shop and that he sells cycle spare parts; and that he charges money from the visitors and customers who deposit their cycles at the cycle stand. This means that besides looking after the cycles of the employees of Sadar Bazar Branch, he was doing his own business to which the management witnesses have stated before the court. Further had he been not having a good income from other business to maintain himself and his family he would not have agreed to do the job for the management at a meagre amount of Rs. 15 per month. It means that he had been devoting most of his time to his own business. As such he cannot be treated as a whole time employee of the management. Even in his claim statement in para 10 he has referred to a letter dated 13th November, 1979 of LIC Can't. Branch in which he has been described as part time worker. From the evidence and circumstances discussed above, he is held to be a part-time worker of the management.

14. There is no evidence that before termination of his part-time services he was given any notice or notice pay in lieu of notice and retrenchment compensation as is provided for under section 25F I.D. Act. Therefore, his termination as part-time worker is illegal.

15. Since his main business is cycle repairing, selling spare parts of the cycles and running of cycle stand, independent of the job which he had been doing for the management, it would not be unjust, specially when the management does not want him, not to reinstate him but to pay him a lump sum amount as compensation.

16. I, therefore, hold that the action of the management of LIC of India Meerut in terminating the services of Mohd. Ishaq w.e.f. 30th May, 1984 was not justified. As observed above it will not be proper to order his reinstatement, rather he is held entitled to Rs. 5000 as compensation.

17. I give my award accordingly.

ARJAN DAV, Presiding Officer
[No. L-17012/50/85-D.IV(A)]

नई दिल्ली, 6 जनवरी 1988

का.आ. 146.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय जीवन बीमा निगम के प्रबन्धालंब से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचांग को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-1987 को प्राप्त हुआ था।

New Delhi, the 6th January, 1988

S.O. 146.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the Life Insurance Corporation of India and their workman, which was

received by the Central Government on 23rd December 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R) (56) of 1986

PARTIES :

Employers in relation to the management of Life Insurance Corporation of India, Indore (M.P.) and their workman Shri D. S. Verma, Assistant, 104, G. H. Scheme, No. 54, MIG, Indore (MP).

APPEARANCES :

For workman .. Shri B. K. Pradhan, Advocate

For management .. Shri C. S. Chhazad,

INDUSTRY : Insurance Company

DISTRICT : Indore (M.P.)

AWARD

Dated : December 15, 1987

The Central Government in the Ministry vide their Notification No. L-17012/53/85-D. IV(A) Dated 24-6-1986 have referred the following dispute as incorporated under the Schedule to the Reference to this Tribunal, for adjudication :—

“Whether the management of Life Insurance Corporation of India, Indore in dismissing from services Shri D. S. Verma, Assistant, Mhow Branch is justified ? If not, to what relief is the workman concerned entitled ?”

2. Copies of the record of domestic enquiry was filed in the case which are admitted by the workman. Thus these facts are no longer in dispute that the workman, Shri D. S. Verma and three others, were charged as under :—

(1) That you, along with others, with intent to cheat and defraud the Corporation conspired to have planted or cause to have planted, fabricated policy files and two fake loan applications under Policy Nos. 28413171 and 28465023, purported to have been issued on the life of Mr. Kirsna Singh Tomar, on or about 24-11-1982 at Career Agent's Branch, Indore. You further planted or cause to have planted on the tables of the dealing with Assistants in Career Agent's Branch, Indore, on or about 25-11-1982 the fabricated policy bond under Policy No. 28465023 along with fictitious loan application form, receipt and the assignment duly witnessed and signed under the signatures as Krishna Singh in Hindi.

(2) That in furtherance to your aforesaid intention to cheat and defraud the Corporation, you caused to have removed the loan cheque dated 26-11-1982 for an amount of Rs. 15,240/- issued by Career Agent's Branch, Indore, in favour of Krishna Singh Tomar

and bearing the cheque No. CCBP-334483 drawn on Canara Bank, Siyaganj, Indore, with the object of realising its proceeds through forgery and impersonation, thereby causing financial loss to the Corporation.

(3) That with intent to cheat and defraud the Corporation, you also planted or caused to have planted fabricated policy files and loan applications under Policy Nos. 28344191, 28344192 at Branch Office, Mhow on or about 24-11-1982. You further caused to have planted the loan application form, receipt form, assignment duly completed and signed, together with the forged and fabricated policy document bearing No. 28344191 in the name of Mr. Krishna Singh Tomar at Branch Office, Mhow on or about 10-12-1982.

(4) That you further removed or caused to have removed the policy files under Policy Nos. 28413171 and 28455023 at Career Agent's Branch, Indore, with a view to destroying the incriminating evidence. You also caused to have destroyed the loan payment voucher and other papers prepared under Policy No. 28344191 of Branch Office, Mhow, on or about 10-12-1982.

By your above acts you have :—

- (i) failed to maintain absolute integrity and devotion to duty; and
- (ii) failed to serve the Corporation honestly and faithfully; and
- (iii) knowingly acted in a manner detrimental in the interest of the Corporation and prejudicial to good conduct."

The workman denied the above charges. As such a domestic enquiry was held. Board of Enquiry constituted by the management examined 30 witnesses and produced documents Ex. P|1 to P|126 and the delinquent officials examined six witnesses and produced documents D|1 to D|30. After hearing the parties Board found the above charges proved against the workman. This reference has been made by the Ministry of Labour regarding the case of the workman, Shri D. S. Verma, alone. I, therefore, need not consider the cases against the three others. On the finding of the Board the management dismissed the workman. Hence this reference.

3. The workman has challenged the domestic enquiry on various grounds. I will take up the material grounds urged by him one by one. Following issues were framed by me which with my reasons and findings are as under :—

ISSUES

1. Whether the enquiry is proper and legal?
2. Whether the punishment awarded is proper and legal?
3. Whether the management is entitled to lead evidence before this Tribunal?
4. Whether the termination of the workman is justified on facts on the case?
5. Relief and costs?

Findings :—

4. Firstly domestic enquiry has been challenged on the ground that in spite of his repeated prayers and

applications the Board of Enquiry did not allow the workman to cross-examining the Hand Writing Expert, Shri Sarwate, by a lawyer or by a Hand Writing Expert of his choice simply on the ground that the third party cannot be allowed to participate in enquiry proceedings. The workman and his representative were the laymen in the science of hand writing. Thus refusal of their request amounts to denial of reasonable opportunity to defend himself. On the other hand, the plea of the management is that rules do not permit such a procedure. It is for this reason that the management also did not engage any lawyer or hand writing expert for the purpose of examining and cross-examining the hand writing expert the workman was not at all hampered in conducting his defence since the management afforded all reasonable opportunity to the workman and his hand writing expert, Shri Ganorkar, to examine all the documents, take their copies, photographed and examine his own hand writing expert in defence. On perusal of record I find that Board of Enquiry gave all reasonable opportunity to the workman and his hand writing expert, Shri Ganorkar, to examine the relevant documents, take their photographs and produce the report of their hand writing expert and to get it proved by him in course of the enquiry.

5. On behalf of the management reliance is placed in the case of Board of Trustees, Fort, Bombay Vs. Dilip Kumar Nadkarni (1983 Lab. I. C. 419) wherein in the circumstances it was held that looking to the nature of enquiry the services of lawyer should have been allowed. It was further held that the matter would be in the discretion of the Enquiry Officer whether looking to the nature of charges and type of evidence and complex or simple issues that may arise in the course of enquiry the delinquent employee in order to afford the reasonable opportunity to defend himself should be permitted to appear through a legal practitioner. In the instant case, I find that the workman and his representative allowed by the management are Post Graduates. The management itself did not engage either a hand writing expert or legal expert to represent their case or to examine or cross-examine the hand writing experts produced on behalf of both sides. In the case of Board of Trustees (supra) management had appointed legal advisers and junior assistant to assist them. This is not so in the instant case. In any case, the workman was permitted to examine all the documents, take their photographs and they got them proved by their own experts. In the circumstances, it can hardly be said that the workman was denied a reasonable opportunity to defend his case or prejudice was caused to him.

6. Next it has been pointed out that the Board of Enquiry relied on the testimony of Miss Buhariwalla to find the charges proved against the workman, Shri D. S. Verma. Ku. Buhariwalla was examined as management's witness before the evidence of Shri S. K. Bhandari, Shri V. D. Chauhan and Shri J. C. Agarwal. The workman applied to permit these three witnesses to be examined as defence witnesses on his behalf to prove that on 18th December, 1982 the workman did not have Mhow office throughout that day. This evidence, if allowed, would have rebutted the statement of Ku. Buhariwalla and proved his plea of alibi. This legitimate demand of the workman was denied to the workman to defend himself and he has been prejudiced in his defence. Normal

procedure is that once statement of witnesses are recorded as a rule the same witnesses cannot be allowed to be examined as defence witness. At the most defence is entitled to recall them for further cross-examination if such a contingency has been pointed out. But I find that no such request for further cross-examination of these witnesses was ever made on behalf of the workman. In fact, there was a specific prayer to allow these witnesses to be examined as defence witnesses. In such a case, if the Board of Enquiry who are also not proved to be the legal expert refused the request, it cannot be said that the workman was denied a reasonable opportunity to defend himself or he has been prejudiced in his defence. This is so because the plea of the workman was that if he was allowed to examine these witnesses he would have proved his plea of alibi. The record shows that the workman did examine one Shri U. C. Bathem to prove his plea of alibi. The Board of Enquiry considered the evidence on this very plea of alibi and gave cogent reasons to disbelieve it. The reason given is that unless the witness or witnesses are watching a particular person for some ulterior purpose it is not possible to say that the person was present throughout the entire period on that particular day. In the case in hand the statement of Ku. Buhariwala that the workman Shri D. S. Verma had come to her bank to enquire whether payments of cheque has been released. In this connection, it is pertinent to note that workman, Shri D. S. Verma, was working at Mhow where Branch of Shri Ku. Buhariwala is situated. In such a case the plea of alibi was in any case worthless for the reason given by the Board of Enquiry. In such a case denial of the request of the workman to examine S/ Shri Bhandari, Chauhan and Agarwal as his defence witnesses does not amount to denial of reasonable opportunity to defend himself. It cannot also be said that any prejudice has been caused to the workman looking to the fact that he did lead the defence evidence to prove his plea and it was rejected for sound reasons.

7. Next it has been contended that in any case the statement of Miss Buhariwala was not conclusive and sufficient to prove the charges against the workman. Her statement was that a person who came to enquire about the payments being made to the Bank looked like Shri D. S. Verma. It has therefore been contended that firstly it did not prove the identity of Shri D. S. Verma conclusively. Secondly at the most it raises suspicion against the workman and it is well settled that suspicion however strong is not sufficient to prove the charge even in a domestic enquiry. In this connection, it is pertinent to note that in her cross-examination (discussed in paragraph no. 45 of the Enquiry Report) in answer to the question put by Shri D. S. Verma himself she had remarked "Sir in totality you are very much like the gentleman who visited in the Bank on 18-12-1982. Without the wig I may be confused." Looking to her this part of the statement it appears that she was a truthful witness without any bias and the plea of the workman that she was a tutored witness is not correct. She was also in a way positive about the identity of the workman and no question of suspicion remains. However, for the sake of arguments even if I ignore her evidence totally as based on suspicion the question arises whether there is other evidence against the workman or not.

8. On behalf of the management my attention has been drawn to the evidence of hand writing expert, Shri Sarwate, and other incriminating circumstances appearing in evidence against the workman, Shri Sarwate's evidence has been discussed by the Board of Enquiry relating to Shri D. S. Verma appearing in para 72 to 74 of the Report which is as under :—

72. Shri C. T. Sarwate in his opinion report dated 24-1-83 (P-114) has mentioned that the body writing in English on the front and reverse of Medical Examiners Confidential Report (Ex. P-3 and P. 22), the body writing of true extract from evidence of age (Ex. P-21), the words A. S. Jhala Ins. Ag. B.O. Mhow on declaration dt. 31-3-71 (Ex. P-1 & P-20). The body writing of Agents Confidential Report in English (Ex. P-2) has been written by Shri D. S. Verma. The words 'Doctor S Hatim 28-3-1971, the word "Yes" against column 2c, the words 'Mhow 31-3-1971 A. S. Jhala Ins. CAB Indore' have been written by Shri D. S. Verma on the Agents Confidential Report (Ex. P-23). The body writing in Hindi on Proposal Form in the Lines beginning with Mandal Karyalaya and agent ka nam have been written by Shri D. S. Verma. The proposal form is dt. 31-3-71 (Ex. P-1). The remaining writing of the proposal form no. 4,2, 3,399/71 has in all probability been written by I. L. Chowhan (Ex. P-1). The words Indore in Hindi and Policy Proposal number 402/399/71 on the reverse of Page 7 have been written by D. S. Verma (Ex. P-1).
73. The letter (body writing and the address in English (K. S. Tomar, J. K. Darrier House, 9/2 New Palasia, Indore (MP) (Ex. P-19) have been written in all probability by D. S. Verma the writer of the statement on 4 sheets (Ex. P-51) and the specimen writing in Hindi (Ex. P-54) taken on 17-12-82 and 23-12-82 respectively.
74. Shri C. T. Sarwate confirmed the same in his deposition on 2-7-83. He also clarified that 'by all probability' he meant 'almost certain'."

The opinion of Handwriting Expert, Shri Ganorkar, given and examined on behalf of defence the Board examined and discussed the evidence of both the experts at length and remarked that Shri Ganorkar has mentioned only about the dissimilarity but in disguised writings, dissimilarity is bound to be there if compared with standard writings because the writer wants to hide his identity and therefore strives consciously to bring changes/differences in his writing (Para 55 of Board's Report). The Board thereafter discussed the opinion of Shri C. T. Sarwate about the disguise writing in para 56. In the same para Shri Ganorkar have admitted that similarity and dis-similarity will depend on the ability of a person to disguise. This goes to show that the Board of Enquiry considered the Experts evidence at length and gave valid reasons for accepting the evidence of Shri C. T. Sarwate and rejecting the opinion and evidence given by Shri Ganorkar, Hand Writing Expert.

9. However, on behalf of the workman reliance has been placed on AIR 1977 SC 1091; AIR 1967 SC

778; AIR 1973 SC 2000, wherein it has been laid down that expert's opinion is only an opinion and cannot take place of circumstantial evidence unless corroborated by direct or circumstantial evidence. It is by nature weak and infirm. There cannot be any dispute about the principle laid down by the Hon'ble Supreme Court. In the AIR 1973 SC 2000 it has been laid down "There is no rule of law nor rule of prudence which has crystallised into a rule of law that opinion evidence of handwriting expert must never be acted upon unless circumstantially corroborated but having due regard to the improved nature of the science of identification of handwritings approach should be one of caution, reasons for the opinion must be carefully proved and examined. All other evidence must be considered.

10. I have pointed out above that looking to this caution given by Hon'ble Supreme Court learned Board of Enquiry has considered the evidence of both the Experts at length and given valid reason to believe Shri Sarwate and to disbelieve Shri Ganorker. Therefore there were no valid reasons to differ from their findings.

11. This goes to show that there is positive evidence that some of the incriminating writings and the forged and manipulated documents was in the hand writing of Shri D. S. Verma.

12. As regards other circumstantial evidence against Shri D. S. Verma, on behalf of the management my attention has been drawn to para 85 to 93 of the Board of Enquiry's Report where circumstantial evidence against Shri D. S. Verma has been discussed at length and wherein it has been pointed out that Shri I. L. Chauhan has filed certain documents which proves that he visited Mhow on 18-12-1982 which corroborates the testimony of Shri J. S. Sant, G. S. Pandey, V. D. Chauhan, N. K. Mehra. The Board has pointed out that the above statement of Shri I. L. Chauhan shows that he was quite friendly with Shri D. S. Verma and he used to meet him. The Board of Enquiry Report further goes to show (para 90 of the Report) that Shri D. S. Verma has also admitted in his supplementary statement dated 23-12-1982 (P-53) that he tore off letters, payment vouchers which was prepared by him, adding further that he had tore off the payment voucher etc., at the instance of Shri V. D. Chauhan, Board of Enquiry disbelieve the plea of Shri D. S. Verma and further added that even if the plea is accepted he cannot be absolved of the responsibility for destroying the official record. In this connection, it is pertinent to note that this record if not destroyed would have been material incriminating evidence against Shri D. S. Verma. His act in destroying those material documents is one of the very strong circumstances against him to prove that he was involved in conspiracy to forge and manipulate documents to obtain payment thereof. The plea of Shri D. S. Verma in this regard is that he himself had pointed out the suspicion nature of the documents. Therefore no inference should have been drawn against him on this score. I am of the opinion that how the delinquent officer would act in a given situation, there is no standard laid down for his behaviour. The possibility is that Shri D. S. Verma at the end got panicky and on one pretext or the other he thought it fit to destroy the documents which may show his complicity. Then there are circumstances that Shri D. S. Verma was working in the office where manipulation and forgery were

done in the record. He had access to these documents. There is a strong evidence against other co-accused who were found guilty by the Board of Enquiry. They have raised no dispute against their termination. One of them is Shri I. L. Chauhan about whom it is proved that Shri D. S. Verma was friendly with his and used to meet him and who had visited Mhow on 18-12-1982 about the relevant time when the cheque amount was to be released. These circumstances taken together, were considered by the Board of Enquiry in support of their findings.

13. Workman has also challenged the domestic enquiry on two legal grounds. One of the grounds alleged is that Board of Enquiry did not rely on his written statement filed in support of his defence which has caused prejudice to him. I am of the opinion that this contention is without any substance. Written statement by the workman at the close of enquiry in his defence is no evidence at all and the Board of Enquiry was right in placing no reliance on the same. In this connection, it is pertinent to note that the workman could not muster the courage to enter in witness box himself and gave his statement on oath which would have been the evidence in the case.

14. Lastly, the domestic enquiry has been challenged on the ground that the charges were not specific showing specific act of individual accuse at a specific time and place. To my mind this contention is also without any merit. Learned Author, Ratan Lal, Ranchhoddas in his student Edition IPC Chapter VA 'Criminal Conspiracy' Sec. 120A at page 96-97 has commented :—

"Although a mere agreement to do an illegal act illegal means is of itself a conspiracy, the conspiracy is not concluded directly the agreement is made in the sense that the offence is once and for all constituted. A criminal conspiracy may persist as long as the persons constituting it continue to act in accord in furtherance of their objects.

It is not an ingredient of the offence under this section that all the parties should agree to do a single illegal act. It may comprise the commission of a number of acts. Where the accused are charged with having conspired to do three categories of illegal acts, the mere fact that all of them could not be convicted separately in respect of each of the offences has no relevancy in considering the question whether the offence of conspiracy has been committed. They can all be held guilty of the offence of conspiracy to do illegal acts, though for individual offences all of them may not be liable. Where the agreement between the accused is a conspiracy to do or continue to do something which is illegal, it is immaterial whether the agreement to do any of the acts in furtherance of the commission of the offence do not strictly amount to an offence. The entire agreement must be viewed as a whole and it has to be ascertained as to what in fact the conspirators intended to do or the object they wanted to achieve. It is not necessary that each member of a conspiracy must know all the details of the conspiracy. Two or more persons must be parties to such an

agreement and one person alone can never be held guilty of criminal conspiracy for the simple reason that one cannot conspire with oneself."

Thus I may point out that the charges against the workman were of conspiracy and common intention. The charge of conspiracy can be proved by proving the chain of circumstances and particular act of an individual accused at different times. The chain of circumstances so proved are enough to prove the complicity of a particular accused in the crime. Therefore it is not necessary to specify the particular act of a particular accused at a given time in the charge. It is enough if it is pointed out that he was a member of the conspiracy pursuant to which the crime was perpetrated and illegal act or omission were done. In any why, defect in the charge if any does not entitle the workman to an order of discharge from the charges in a domestic enquiry. Domestic enquiry by nature is such that too much importance should not be given to technical errors and role of evidence. On over all scrutiny of the evidence, direct and circumstantial, I find that the Board of Enquiry was right in holding the workman guilty of the charges.

15. As a last resort it has been contended that in any case punishment is too excessive. Charge proved against the workman were that he along with others forged and manipulated documents to swindle the department of certain amounts. These amounts sought to be swindled are of the Policy Holders who try to save for themselves in case of his death, for his family members. An attempt to swindle such an amount is serious misconduct. In the circumstances the punishment of dismissal can by no means said to be excessive.

16. For the reasons discussed above, I hold that the domestic enquiry is proper and legal and the termination of the workman cannot said to be unjustified on facts of the case i.e. to say the findings of the Board of Enquiry cannot said to be biased, prejudicial, perverse and without application of mind. The Board of Enquiry have discussed the evidence at length and this Tribunal does not find any valid reason to differ from their findings. In the circumstances I am not required to consider the prayer of the management to permit them to lead evidence before this Tribunal.

17. I, therefore, answer the reference as under :—

That the management of Life Insurance Corporation of India, Indore in dismissing from service Shri D. S. Verma, Assistant. Mhow Branch is justified. He is not entitled to any relief. No order as to costs.

V. S. YADAV, Presiding Officer.
[No. L-17012/53/85-D.IV(A)]

K. J. DYVA PRASAD, Desk Officer.

नई दिल्ली, 30 दिसम्बर, 1987

का. आ. 147:—आौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, तेल और प्राकृतिक गैस आयोग, देहरादून के प्रबंधतान्त्र से सम्बद्ध नियोजकों और उनके कर्म-

नारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण, अहमदाबाद के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 22-12-87 को प्राप्त हुआ तथा,

New Delhi, the 30th December, 1987

S.O. 147.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Oil and Natural Gas Commission Dehradun and their workman, which was received by the Central Government on 22nd December, 1987.

Ex-95

BEFORE SHRI G. S. BAROT, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL (CENTRAL), AHMEDABAD

Reference (ITC) No. 2 of 1980

ADJUDICATION

Between

The Oil and Natural Gas Commission, First Party
Dehra Dun.

AND

The workmen employed under it. Second Party.

In the matter of payment of Drilling Allowance to the workmen employed in the ONGC Institute of Reservoir Studies and those employed by the Additional Director (Reservoir).

APPEARANCES .

Shri M. J. Sheih, Advocate for the First Party.
Shri Abhialash Clerk for the Second Party.

AWARD

This industrial dispute between the management of the Oil and Natural Gas Commission, Dehra Dun and its workmen has been referred for adjudication under Section 10(1) (d) of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour Order No. L-30011/4/78-D. III. B dated 18th January, 1980 to the Presiding Officer Industrial Tribunal, consisting of Shri R. C. Israni and subsequently transferred to me.

2. The dispute relates to a single demand of the workmen which is as under :—

“Whether the demand of the ONGC IRS Employees Association, Ahmedabad for payment of Drilling Allowance to the workmen employed in the ONGC Institute for Reservoir Studies and those employed by the Additional Director (Reservoir) is justified? If so, to what relief the workmen are entitled and from which date ?”

3. The case of the Union as revealed from the statement of claim appears to be that the O.N.G.C. IRS Employees' Association (hereinafter referred to as 'the Union') represents the workmen employed in the O.N.G.C. Institute of Reservoir Studies and under the Additional Director (Reservoir). They are the members of this union; that the Union raised a demand for payment of the drilling allowance to the workmen employed in the abovesaid two offices of ONGC; that the management of the ONGC has been paying drilling allowance to the workmen engaged in the Regional Chemical Laboratories of the ONGC situated at Sibsagar Project which works for all the projects in the Eastern Region. That the workmen represented by this Union are working in the Institute of Reservoir Studies at Chandkheda and under the Additional Director (Reservoir), Ahmedabad; that allowance is being paid to all employees posted in Ahmedabad Project at Chandkheda; that these workmen are similarly situated when compared to those employed in Regional Chemical Laboratory at Sibsagar Project and the workmen in Ahmedabad Project at Chand-

kheda; that a similar dispute for payment of drilling allowance was also raised by the members of Technical Training Institute at Bombay and referred to the Industrial Tribunal Gujarat, vide Reference (ITC) No. 8 of 1976. In the said reference a settlement was arrived at and the award in terms thereof was passed; that all the employees working in Technical Training Institute have now been ordered to be paid drilling allowance pursuant thereto. That the workmen working at IRS, Chandkheda and Additional Director (Reservoir) are similarly situated and, therefore, they are also entitled to be paid the drilling allowance with retrospective effect; that even on the basis of the principle viz. industry-cum-region, drilling allowance deserves to be extended to the employees represented by the Union inasmuch as the same is being paid at the Technical Training Institute, Cambay and the Ahmedabad Project site which are in the same region and parts of the ONGC; that ONGC is a very flourishing and prospering organisation having huge profits and, therefore, the management has the paying capacity to meet with any extra burden imposed by granting the present demand. It was hence demanded that the ONGC be directed to pay to the workmen employed in the Institute of Reservoir Studies, Chandkheda and Additional Director (Reservoir), Ahmedabad, the drilling allowance with retrospective effect.

4. The ONGC has filed its written statement at Ex. 5 contending, inter alia, that the demand made as such is legally not tenable and, therefore, the reference should be dismissed. It was also contended that the demand for the drilling allowance deserves to be rejected even on the ground that the demand is now not maintaining as per the settlement between ONGC and the employees/associations unions in 1976. It was also contended that all the employees posted at Sibsagar and Nazira in the Eastern Region are borne on the strength of Assam Project and are exclusively working for the said project. This also applies to the employees engaged in the Regional Chemical Laboratory situated at Sibsagar Project. As against this, the employees working in IRS are not working exclusively for particular project. The IRS in fact caters to the Reservoir Studies for the entire ONGC. It is then contended that the workmen purported to be represented by the union are working in the Institute of Reservoir Studies at Chandkheda and under the Additional Director (Reservoir), Ahmedabad. It was, however, denied that these workmen are exactly & similarly situated when compared to those engaged in Regional Chemical Laboratory at Sibsagar Project of ONGC. It was hence submitted that the demand deserves to be rejected.

5. Number of documents have been filed by both the sides and it appears that twice the Tribunal has passed orders below some exhibits after hearing the parties. The Union has also led oral evidence in support of their claim. It also appears that one behalf of the ONGC one application Ex. 38 was filed wherein it was prayed that the dispute covered under the present reference has been amicably settled between the parties and the arrears payable under the said settlement (memorandum of understanding) has also been given to the concerned workmen. It was hence prayed that the dispute having been amicably settled between the parties the present reference be treated as disposed off. Alongwith this application Ex. 38 the copy of the memorandum of understanding has been filed at Annex. "A" and "B". At Annex. "C" office memorandum dealing with grant of drilling allowance to the employees of ONGC has also been filed. The Union has filed reply to Ex. 38, the application filed on behalf of the ONGC. It is Ex. 38, wherein it has been contended that the settlement arrived at between the parties does not in any way affect the present reference in so far as the demand of the workmen for drilling allowance from the date of raising the demand i.e. the date the concerned workmen joined the Institute of Reservoir Studies and the office of the Additional Director (Reservoir), Ahmedabad is concerned. It was further contended that the Tribunal has power to grant relief from the date of demand. However, the present settlement entitles the workmen to drilling allowance only with effect from 1-4-1986. That the Union did not intend to dispose of the whole reference by arriving at the said settlement otherwise the said settlement would have con-

ted a stipulation in that behalf. It was then contended that the Tribunal had power to grant relief even from earlier date and the dispute between the parties still survives. It was also contended that the settlement does not expressly mentions that the present reference stands disposed of as settled. It was hence submitted that a Tribunal will not deprive the workmen of their rights in the absence of any clear and unambiguous terms in the aforesaid settlement. That ordinarily a settlement would contain a term that the present proceedings are withdrawn and settled if that was intention of the parties. It was, therefore, evident that the proceedings. The parties were heard and an order below Ex. 38 was passed at Ex. 41 wherein it was held that the Tribunal has power to grant relief even from the date of the demand or the date of the reference. Dealing with the arguments of Shri Clerk for the Union that there was no mention in the memorandum of understanding about the pending reference expressly mentioning that the reference would stand disposed of, it should be taken as surviving. It was hence open for the Tribunal to make award granting any retrospective effect as deemed fit. As against that it was the contention of Shri Sheth, the learned Advocate for the ONGC that the Joint Committee was formed to go into the question of anomalies in the payment of drilling allowance and to make suitable recommendations. Accordingly, the Committee considered various disparities/anomalies and as a result of the discussions a Memorandum of Understanding was arrived at between the parties as regards the payment of drilling allowance to the workmen concerned under the present reference with effect from 1-4-1983. It was hence contended by Shri Sheth that the present reference having been amicably settled between the parties stands disposed off. On consideration of the rival contentions, it was held that after arriving at the Memorandum of Understanding the same was not presented before the Tribunal by way of settlement and no award in terms thereof was passed. Hence it was held that unless there was such a joint settlement or a joint pursh is before the Tribunal, it cannot consider either making an award in terms or treat the matter as disposed of. It was hence decided that the reference could not be treated as disposed off as prayed in Ex. 38 at the relevant time and it was thought proper to hear the parties further.

6. Shri Clerk, the learned Advocate for the Union and Shri Sheth, the learned Advocate for the ONGC were now heard as regards the finality of the Memorandum of Understanding dated 1-6-1985 between the parties. It is produced at Annex. "A" to Ex. 38. It appears from the said Annex. "A" that a Sub Committee of the Joint Committee was formed to go into the question of anomalies in the payment of drilling allowance and make suitable recommendations. Accordingly, a Sub-Committee considered various disparities-anomalies and as a result of the discussions held in the meeting of the Joint Committee held at Juhora on April 29-30, 1985, at New Delhi on May 20, 1985 and at Bombay on June 1, 1985, the agreement was arrived at wherein drilling allowance at normal rates was decided to be paid to all employees posted in Well Stimulation Services and Institute of Reservoir Studies, Ahmedabad, with effect from 1-4-1983. Annex. "B" also speaks in clause (ii) of para 3 about drilling allowance to be paid at normal rates to all employees posted in Well Stimulation Services and Institute of Reservoir Studies with effect from 1-4-1983. Thereafter as per Annex. "C" drilling allowance at normal rates was ordered to be paid to all employees posted in Well Stimulation Services and Institute of Reservoir Studies, Ahmedabad w.e.f. 1-4-1983. Similarly, by an order dated 7th October, 1985, it was also decided that the drilling allowance at normal rates be paid to all employees posted in the office of the Additional Director (Reservoir) w.e.f. 1-4-1983. This shows that after full consideration and after having full discussion on all aspects a decision was taken that drilling allowance be paid w.e.f. 1-4-1983. Though it is true that nowhere in the Memorandum of Understanding it has been stated that because of this settlement the reference would not survive or it stands disposed off, it cannot be said that there can be now any other scope for reconsideration about the retrospective effect. It may be said that the parties to the Memorandum of Understanding should have taken due care to mention about this fact but one thing is absolutely clear that there was no meaning in continuing the reference when the parties after

full considerations have decided to pay the drilling allowance and that too w.e.f. 1-4-1983. There is also no mention that the date of effect fixed now is tentatively fixed. Though it is true that while granting the retrospective effect the Tribunal can grant from the date of demand or from the date of reference or any other date but when after full deliberations a particular date has been mentioned for its implementation, there is no scope for any other date to be considered for any other retrospective date. In my opinion, even otherwise, looking to the facts and circumstances, the date viz. 1-3-1983 appears to be just and proper.

7. In view of the above, there remains nothing to be considered now inasmuch as ONGC has accepted to pay the drilling allowance to the workmen under reference also with the retrospective effect viz. 1-4-1983 which, in my opinion, even on merits appears to be just and proper. In the circumstances aforesaid I make no order as to costs.

Ahmedabad.

Date 14th December, 1987.

G. S. BAROT, Presiding Officer
[No. L-30011/4 78-D III(B)]
V. K. SHARMA, Desk, Officer

नई दिल्ली, 30 दिसम्बर, 1987

का. आ. 148—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीनियर डिवीजनल आपरेटिंग सुपरिनेटेडेट, दक्षिण रेलवे तिरुचिरापली (तमिल नाडु) के प्रबंधतंत्र से सम्बद्ध नियोजकों और कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17 दिसम्बर 1987 को प्राप्त हुआ था।

New Delhi, the 30th December, 1987

S.O. 148.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Madras, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Senior Divisional Operating Superintendent, Southern Railway, Tiruchirappalli (T.N.) and their workmen, which was received by the Central Government on the 17th December, 1987.

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Wednesday, the 2nd day of December, 1987

PRESENT :

THIRU FYZEE MAHMOOD, B.Sc., B.L.,
Industrial Tribunal
Industrial Dispute No. 118 of 1987

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Senior Divisional Operating Superintendent, Southern Railway, Tiruchirappalli).

BETWEEN

Thiru S. Nagarajan,
C/o T. Fenn Walter,
No. 161, Thambucthetti Street,
2nd Floor, Madras-1.

AND

The Divisional Operating Superintendent,
Southern Railway,

7 GI/88-4.

P.O. & District Tiruchirappalli,
Tamil Nadu.

REFERENCE :

Order No. I-41012/72/86 D.II(B), dated 7-10-1987 of the Ministry of Labour, Government of India, New Delhi

This dispute coming on this day for final disposal in the presence of Thiru R. Venugopalan, Advocate appearing for the Management, upon pursuing the reference and other connected papers on record and the workman being absent and the counsel for the Management having filed a memo praying to dismiss the dispute as this issue is pending disposal before the Central Administrative Tribunal and recording the same this Tribunal passed the following

AWARD

This dispute between the workman and Senior Divisional Operating Superintendent, Southern Railway, Tiruchirappalli arises out of reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. I-41012/72/86-D.II(B), dated 7-10-1987 of the Ministry of Labour for adjudication of the following issue :

“Whether the action of the Senior Divisional Operating Superintendent, Southern Railway, Tiruchirappalli Tamil Nadu in removing Shri S. Nagarajan, Porter Staff No. T/T. 1126 from service w.e.f. 30-4-86 is legal and justified? If not, to what relief the workman is entitled?”

(2) Parties were served with summons.

(3) When the dispute was taken up today, the Petitioner workman was absent and not represented. No claim statement was filed by the Petitioner. Respondent as represented by counsel. The Respondent Management filed a memo praying to dismiss the dispute as this issue is pending disposal before the Central Administrative Tribunal. It is recorded.

(4) In view of the memo filed that this issue is pending disposal before the Central Administrative Tribunal in Original Application No. 845/86, the Industrial Dispute stands dismissed. No costs.

Dated, this 2nd day of December, 1987.

FYZEE MAHMOOD, Presiding Officer
[No. I-41072/72/86-D.II(B)]

का. आ. 149—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, फूड कार्पोरेशन आफ इंडिया, पंजाब थेव, चंडीगढ़ के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18 दिसंबर 1987 को प्राप्त हुआ था।

S.O. 149.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Food Corporation of India, Punjab Region Chandigarh and their workmen, which was received by the Central Government on 18-12-1987.

BEFORE SHRI M. K. BANSAL, P.R. SIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH
Case No. I.D. 8/86

PARTIES .

Employers in relation to the management of Food Corporation of India.

AND

Their workmen :

Jaswant Singh

कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार
से 21 निम्नांग, 1987 को प्राप्त हुआ था।

APPEARANCES :

For the workmen- Shri P. K. Singla.

For the management -Shri N. K. Zakhri.

INDUSTRY : FCI.

STATE : Punjab.

AWARD

Vide Central Govt. C.I. 1^o notification No. L-42012(24)/82-FCI/D. IV(A)/D.V. dated 26-12-1985 issued under Section 10(1)(d) of the Industrial Disputes Act, 1947, following industrial dispute was referred to this Tribunal.

1. Whether the action of the management of Food Corporation of India, Punjab Region, Chandigarh in terminating the services of Shri Jaswant Singh, Casual Watchmen at FSD Guru Har Sahai with effect from 13-1-1982 is justified and legal? If not, to what relief the workman is entitled?

2. The instant reference was consolidated and tried together with reference No. L-42012(6)/83-D.II(B)/D.IV(B)/D.V. dated 27th December 1985 pertaining to a similar dispute between the same employer and a number of workmen since they involved common question of fact and law. Formal order was passed on 18-2-1986 on the request of the parties. This was obviously done to avoid any apprehension of conflict in findings, multiplicity of proceedings and undue financial strains on the parties.

3. The aforesaid reference was withdrawn, so proceedings were transferred in the reference No. I.D. 17/86 No. L-42012(46)/82-D.II(B)/D.V. Pt. 1 dated 6th January 1986 Chanan Singh and others Vs. FCI which has been decided today. For the reasons detailed in the Award passed in Chanan Singh and others Vs. FCI the Award is returned in favour of the workmen and against the management:

Chandigarh 15-12-1987.

M. K. BANSAL, Presiding Officer

[No. L-42012/24/82-FCI/D.IV(A)/DV]

का. आ. 150.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, उत्तर रेलवे लखनऊ के प्रबंधताल से संबद्ध नियोजक और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार, ओद्योगिक अधिकरण

S.O. 150.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow, and their workmen, which has received by the Central Government on the 21-12-87.

BEFORE SRI ARJAN DEV, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL.

KANPUR

Industrial Dispute No. 129 of 1987

Reference No. L-41011/17/86-D.II(B) dated 2-9-1987
In the matter of dispute between :—

Sri B. D. Tiwari
Zonal Working President,
Uttar Railway Karamchari Union
96/196 Roshan Bajaj Lane
Ganesh Ganj, Lucknow.

AND

The Senior Divisional Personnel Officer, Northern Railway, Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-41011/17/86-D.II(B) dated 2-9-87 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of Northern Railway, Lucknow in terminating Sri Anil Kumar BM/Khalasi and 27 others (as shown in the annexure) from service w.e.f. 4-10-81 is legal and justified? If not, to what relief and from what date, the concerned workmen are entitled to?

2. In this case notices were issued thrice to the workmen, once on 9-9-87, second time on 15-10-87 and third time on 11-11-87, but none of these dates any of them appeared.

3. Accordingly a no claim award in the case is given.

Let six copies of this award be sent to the Government for its publication.

ARJAN DEV, Presiding Officer

[No. L-41011/17/86-D.II(B)]

ANNEXURE

Sl. No.	Name	Fathers Name
1	2	3
Sarvashri		
1.	Anil Kumar	Sri Punahum Singh
2.	Adarsh Kumar	Sri Shalendra Nath
3.	Brajendra Kumar Tewari	Sri Mata Sharan
4.	Girja Shamker	Sri Shyam Lal
5.	Hasebur Rehman	Sri Ab. Jabber
6.	Jagdish Prasad	Sri Ram Dalarey
7.	K. C. Tripathi	Sri Ram Narayan
8.	K. K. Singh	Sri Pashpati Nath
9.	Kesh Chandra Singh	Ram Swarup Singh
10.	Lalit Pd.	Sri Jagdesh Prasad
11.	Laxme Kant Misra	Sri Shyam Sunder

1	2	3
12.	Narsing Pd.	Sri Ram Achal
13.	Prag Narayan	Sri Suraj Pd.
14.	Parmeshwar Dayal	Sri Mahesh Pd.
15.	Prem Kumar Srivastava	Sri Laxme Narayan
16.	Raghuvendra Srivastava	Sri Saya Prakash
17.	Ramesh Chandra	Sri Manhar Lal
18.	Rama Kanti Misra	Sri Mahadeo
19.	Ram Pratap	Sri Misre Lal
20.	Suresh Kumar	Sri Bhagwati Pd.
21.	Sahab-Lal	Sri Gomte Pd.
22.	Shambhoo Dayal	Sri Jiya Lal
23.	Sheetla Sharan Shukla	Sri Ram Niwaj Shukla
24.	Suresh Kumar	Sri Ram Kumar
25.	Santosh Kumar	Sri M.P. Sharma
26.	Tarun Pandey	Sri Harden Pandey
27.	Umesh Kumar	Sri Gaya Pd.
28.	Vinod Kumar Gupta	Sri R.K. Gupta

का. आ. 151.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, फूड कारपोरेशन आफ इंडिया के प्रबंधतात्त्व से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18 दिसम्बर, 1987 को प्राप्त हुआ था।

• S.O. 151.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, as shown in the industrial dispute between the employers in relation to the management of Food Corporation of India, and their workmen, which was received by the Central Government on the 18th December, 1987.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 121/80

In the matter of dispute between :
Workmen through,
The General Secretary,
Food Corporation of India Workers Union,
58, Diamond Harbour Road, Calcutta.

Versus

The Regional Manager,
Food Corporation of India,
17, Rajendra Place, Prabhat Kiran Building,
New Delhi.

APPEARANCES :

Shri Narinder Chaudhary—for the workmen.
Shri Sameer Prakash—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011(38)/78-D.II(B) dated 23-9-80 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the management of Food Corporation of India is justified in not paying the allowances v.z. D.A., A.D.A., C.C.A. and H.R.A. to the departmentalised workers of their depots in New Delhi for the days of the months for which attendance allowance at the rate of Rs. 1.75 per day per labour is paid to the said workers ? If not, to what relief they are entitled ?”

2. As the parties have arrived at a settlement, the details of the pleadings of the parties are not being mentioned. Suffice it to say that the workers union filed a statement of claim and the Management filed a written statement opposing the claim of the workman. The evidence of the parties had also been recorded.

3. The parties have filed a joint petition alongwith memorandum of settlement, it is directed that the attendance allowance to Delhi on the basis of the said settlement. As per terms of the settlement, it is directed that the attendance allowance to Delhi and U.P. Departmental workers will be paid on the same pattern as paid to the departmental workers of East Zone (Assam, Bihar & Orissa) i.e. at the rate of Rs. 1.75p per day plus allowances like FDA, VDA, HRA & CCA provided the workers wait upto 2 hours for obtaining orders for non-availability of work. The said two hours waiting period would be covered in the attendance allowance and no disappointment wage as envisaged in the wage structure shall be payable henceforth. This order will take effect from the date of this award. No deductions would be made on account of the payments already made to enhance attendance allowance if any in U.P. on this account. This settlement shall remain in force for a period of four years, from the date of commencement of the settlement Ex. 1 i.e. 15-10-87. During this period both the union and the Management will not resort to precipitative actions and would maintain congenial and smooth atmosphere so as to get optimum production. The parties shall generally abide by the terms of settlement Ex. 1. This reference stands disposed of accordingly.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Govt. for necessary action at their end.

8th December, 1987.

G. S. KALRA, Presiding Officer
[No. L-42011/38/78-D.II(B)]

का. आ. 152.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एयर इंडिया के प्रबंधतात्त्व से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18 दिसम्बर, 1987 को प्राप्त हुआ था।

S.O. 152.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, as shown in the indus-

trial dispute between the employers in relation to the management of Air India and their workmen, which was received by the Central Government on the 18th December, 1987.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

NEW DELHI

I.D. No. 44/86

In the matter of dispute between .

Shri Om Prakash, son of Shri Kedar Nath, B-241, Hanuman Nagar, Clock Tower, New Delhi

Versus

The Management of Air India, Himalaya House, Kasturba Gandhi Marg, New Delhi

APPEARANCES

Shri O. P. Sharma—for the workman.
Shri Jag Singh—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012(4)/85-D II (B) dated 18th March, 1986 has referred the following industrial dispute to this Tribunal for adjudication .

"Whether the termination of services of Shri Om Prakash from 21-5-81 by the management of Air India is legal and justified? If not, to what relief the workman is entitled to?"

2. The case of the workman is that he joined service of Air India at Aga on 5-8-77 as Peon. Although he was styled as a casual worker, he worked regularly and continuously. His services were terminated vide letter dated 20-5-81 arbitrarily and unilaterally. He submitted an application dated 20-2-81 for his appointment as a Loader/Godown Clerk/Handman at Delhi Airport which was forwarded vide letter dated 20-2-81. He was called for an interview on 19-3-81 and then was subjected to a medical check up and vide letter dated 8-4-82 he was informed that he had been found medically unfit for the post of loader and thus his name was struck off the wait list. He further stated that if he could not have been appointed as a loader on medical grounds, but medical fitness was neither required nor he was medically examined for the post of Peon nor terminated on that score. Hence he challenged his termination as illegal, capricious and unjustified as no notice, wages or retrenchment compensation was paid to him. He prayed for his reinstatement with continuity of service and with full back wages.

3. The Management controverted the claim and allegations of the workman and submitted that the workman worked on casual basis for the days he was engaged and he never became a regular or a permanent workman and no industrial dispute can be raised by a casual/temporary workman under the Industrial Disputes Act. It was further submitted that the workman has raised the dispute for extraneous purposes and it is not a bona fide dispute as it is result of the refusal on the part of the Management to give him regular employment on account of medical unfitness but the bona fides of the Management are clear from the fact that it did consider the application of the Management for regular employment but unfortunately the workman was declared as medically unfit and, therefore, he could not be taken into service.

4. First of all the objection of the Management that no casual/temporary workman can raise an industrial dispute may be considered. This objection of the Management is totally misconceived because the Industrial Disputes Act nowhere bars a casual/temporary workman from raising an Industrial Dispute and by now the law is well settled that the definition of the workman as given in the Industrial Disputes Act also covers casual/temporary workers. The next point that arises is regarding the period of service of the workman. The workman has claimed that he has worked in the Aga Office of Air India from 5-8-77 to 19-5-81. The Management has not specifically denied the period of employment MW-1 Shri S. M. Puri, Personnel Manager of Air India gave evasive replies and stated that he cannot say whether

the workman joined service w.e.f 5-8-77 or whether he worked upto 8-4-82. Obviously this suggestion regarding working upto 8-4-82 is not correct because workman's own case is that he has worked only upto 19-5-81. The document I.D. No. 44/86 produced by the workman also proves that the workman has worked upto 19-5-81. Hence it is held that workman had worked with the Management from 5-8-77 to 19-5-81 and he completed one year's continuous service within 12 calendar months preceding the date of his termination and he came within the protection of section 25-F of the I.D. Act. The workman himself has admitted that he had applied for the post of loader and the Management has placed on record an application submitted by the workman in which he has described himself as casual labour and, therefore, the claim of the workman that he was employed on regular/permanent basis is untenable. Workman further admits that he was interviewed for the post of loader but was declared medically unfit. The contention of the workman that the defect of night blindness which resulted in his medical unfitness was not material for the post of loader is not acceptable because the nature of the functions of Air India show that most of them take place during night time and the loaders etc. are required to work at night time and night blindness is a serious defect. Therefore, the contention of the Management that the workman could not be taken into regular service for the medical unfitness of the workman is quite reasonable and is upheld. It has been elicited by the workman himself from MW-1 Shri S. M. Puri that their office at Aga has since been closed. In that event there is no question of reinstatement of the workman because the office at Aga where he was employed has been closed and there is no suggestion nor is it the case of the workman that there are vacancies of peons in the office of the Management at Delhi. While the action of the Management in terminating the services of the workman w.e.f 20-5-81 without complying with the mandatory provisions of the section 25-F of the I.D. Act render it illegal and invalid yet the relief of reinstatement cannot be allowed. But the workman is eminently entitled to compensation because no notice was served nor wages in lieu of notice were paid nor any retrenchment compensation was paid. It is, therefore, directed that the Management should pay a lump sum compensation of Rs. 10,000 to the workman in order to help him establish himself in life. This reference stands disposed of accordingly.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

Dated 25th November, 1987.

G. S. KALRA, Presiding Officer
[No. L-11012/4/85-D II(B)]

नई दिल्ली 31 दिसम्बर, 1987

का. आ. 153—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम चंडीगढ़ के प्रबंधनत्र से मस्वद्ध नियोजकों और उनके नम्बरकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, चंडीगढ़ के पन्नाट को प्रकाशित करती है जो केन्द्रीय सरकार को भारतीय खाद्य निगम नजाव, चंडीगढ़ प्राप्त से हुआ था।

New Delhi, the 31st December, 1987

S.O. 153—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh, as shown to the Annexure in the industrial dispute between the employers in relation to the management of Food Corporation of India, Punjab Region, Chandigarh and their workmen which was received by the Central Government on 18-12-1987.

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM LABOUR COURT, CHANDIGARH

Case No I D 17/86

PARTIES

Employers in relation to the management of Food Corporation of India

AND

Their workmen Chanan Singh and others

For the Employers—Shri N. K. Zakharia

For the Workmen—Shri P. K. Singla

INDUSTRY FCI

STATE Punjab

AWARD

Dated, the 15th December, 1987

Central Government Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) per the Order No L-42012(46)/82-D.IV(B)/D.V Pt I dated 6th January, 1986 referred the following industrial dispute to this Tribunal for adjudication.

"Whether the action of the management of Food Corporation of India, Punjab Region, Chandigarh in terminating the services of S/ Shri Chanan Singh, Jaswinder Singh and Nand Singh, Watchmen w.e.f 30-3-1982, 20-3-1982 and 17-3-1982 respectively is justified and legal? If not, to what relief the workmen concerned is entitled?"

"Whether the demand of Food Corporation of India Class IV Employees Union that the services of S/ Shri Chanan Singh, Jaswinder Singh and Nand Singh employed on casual basis be regularised and placed in the scale of Rs 210—240 is justified? If yes, to what relief the concerned workmen are entitled?"

2. The case of the workmen is that Chanan Singh joined FCI on 24-4-1980 and Nand Singh on 20-11-1980 and Jaswinder Singh on 24-7-1981 respectively and their services were terminated on 30-3-82, 17-3-1982 and 20-3-1982 respectively. According to the workmen their termination is bad being in violation of the provisions of the Section 25-G and F of the I.D. Act 1947. It was also alleged by the workmen that while they were working with the FCI their Union raised a dispute about their service conditions. That during the pendency of the conciliation proceedings their services were illegally terminated. That workmen were under direct control of the FCI like other regular watchmen. That workmen due to unfair labour practice have not been regularised in the regular grade. So they prayed that their services be regularised in the pay scale of Rs. 210—290.

3. FCI in their reply alleged that earlier the labourer moved Labour Court, Jalandhar in this very dispute which was later withdrawn by them. So present reference is not tenable. That the case of the workmen was closed by the Ministry of Labour as per their letter dated 14-7-1983 so second reference is not tenable. On merits it was alleged that the workmen were taken from the Handling and Transport Contractor. That they were getting their wages from the contractor. That they used to work under the control and supervision of the contractor. That they were employed on watch and ward duty for safeguarding food stock and storage complex. That remunerations used to be paid at the rates approved by the Deputy Commissioner concerned. That there is a contract between HTC and the management to lettake the work of watch and ward. That workmen were employees of the contractor and the services to FCI were rendered by the contractor. That Shri Nand Singh, Sushil Kumar were contractors for Guru Nanak. That M. S. Kali Dass and Co was the contractor for Ferozepur. That FCI never terminated services of the employees as they were never engaged by the FCI. That question of regularisation of services of the workmen does not arise as they were never engaged by the FCI.

4. In the result the following references were also received.

		Case No	Reference No
1		I D 6/86	L 2012/26/82-FCI/D IV(A) dated 14-1-1985 between Mohinder Lal Vs FCI of FSD Guru Nanak
1		I D 15/86	L 42012(21)/82 FCI/D IV(A)/D.V dated 3-1-1986 between Manohar Lal and ICI of FSD Guru Nanak
3		I D 6/86	No. L 42012(24)/82-FCI/D IV(A)/D.V dated 3-1-1986 of Jaswant Singh and FCI of FSD Guru Nanak

5. There was a reference I D No 14/86 Re Raj Kumar Singh vs FCI. As on question of facts and law was involved in all the above references so all the above references were consolidated and tried together as per order dated 18th February, 1986 Proceedings were recorded in the case of Re-Raj Kumar Hans Vs FCI. The said reference was late on withdrawn by the workmen as he got re-employment so proceedings were transferred to the file of Chanan Singh and others Vs FCI.

6. In support of the case on behalf of the workmen besides documents affidavits of Nand Singh, Jaswinder Singh and Manohar Lal, Mohinder Lal and Jaswant Singh were placed on the file. On behalf of the management affidavit of P. P. Singh, District Manager Ferozepur was filed. This witness in cross-examination, admitted that the above workmen were engaged from HTC to 'supplement' watch and ward staff of the FCI. That FCI used to keep record as to where a particular worker is to work. That he is not aware as to who exactly used to put the workers in the particular place. It is the FCI's contract letter, circular and the FCI copy of which have been placed on the file. That he is not aware if FCI is registered as principal employer under the Contract Labour Act. That he is not aware of contractor is also registered or not. That FCI is taking steps to get the contractor registered.

7. I have gone through the file and heard the parties. The facts of the present case are as similar to the facts as given in the case FCI Vs Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court 1987(2) S.L.R. 678 a D.B. judgment of our own High Court. In the reported case, the workmen according to the FCI were engaged from the contractor to do the work of FCI. It was found on the basis of evidence that corporation did not get itself registered in terms of Section 2 of the Contract Labour Act. That workers used to be paid their monthly wages by FCI with the intervening agency of the contractor. Their Lordships after considering the provision of the Contract Labour Act came to the conclusion that principal employer can not escape the liability unless the following two conditions are satisfied.

1. That the employer had secured a certificate of registration for the relevant period, and
2. If had employed contract through a licenced contractor

As in the reported authority none of the above conditions is satisfied so we can say that workmen whose services have been terminated were doing the work of the FCI along with their watch and ward staff of the FCI. FCI used to keep record where a particular worker is to work. That in the agreement between the FCI and the Contractor payment used to be made to the workmen by FCI only through intervention of the contractor. In the present case contractor has not been registered at all. So it is held that present workmen are not employees of the FCI. In authority re-Workmen Vs FCI (1985) 2 Supreme Court Cases 126 the workmen who used to give out through a local contractor were held to be employees of the FCI by the Lordships of the Supreme Court. Some were the observations of the Lordships in case (1985) 2 S.C.C. 294 Re-Workmen Union Vs FCI. In 1978(2) I.L.I. 397 Hissar Bhai Kalkat Vs Alith Factory Thozilik Union the Lordships of the Supreme Court held that if

workmen actually do the work of the employer and contractor is only introduced to get rid of the labour dispute then Court on facts can come to the true position. The labour who does the work of their employer will be the workmen of the employer. In view of the above I am of the view that in the present case also the workmen will be deemed to be the employees of the FCI. The allegation of the FCI that workmen were engaged by the contractor and they have no right to claim wages can not be accepted. The authority cited by the FCI counsel re-Workmen of FCI Vs. M/s. F.C.I. 1985(2) LLJ 2 is distinguishable on facts. In the above authority Their Lordships held as under :

"Now where a contractor employs a workman to do the work which he contracted with a third person to accomplish on the definition as it stands, the workman of the contractor would not without something more become the workman of that third person".

9. But in the present case fact are what is observed above in the present case it has not been brought out that what work the contractor is to do. Contractor was engaged by FCI only to get the labour for doing the work of FCI of handling Food grains store at the depot. As a result I am of the view that in the present case workmen are the employees of the FCI. FCI has not produced any record to prove that how long the workmen have worked. They have failed to produce the contractor to prove the above facts. So I place reliance on the affidavit of Nand Singh, Jaswinder Singh, Manohar Lal, Mohinder Lal and Jaswant Singh to hold that these five persons had completed 240 days and their services were terminated without payment of any retrenchment compensation or notice, so their order of termination is void and they are entitled to reinstatement.

10. Second part of the reference is whether the workmen are to be re-instated in the regular grade or not. It has been held by their Lordships of the Supreme Court in BEHL Workers Association Harwar Vs. Union of India 1985(1) L. L. J. 428. That workmen who were engaged from contractor can claim equal pay with regular worker in reference under Section 10. It is also laid down by their Lordships in Dharam Dev Chamoli Vs. State of U. P. 1986(1) Supreme Court Cases 637, that daily rate workers are entitled to pay with person employed in the regular grade. So present workmen are entitled to re-instatement in the post of watch and ward staff in regular grade.

11. As regard the claim for backwages are concerned, I am of the view that FCI should not be burdened with the liability of the backwages. The workman was the best person to tell as to where he remained employed. He was daily rated worker at the time of his termination. He has not given any account where he worked. So claim for backwages is disallowed.

12. As a result of my discussion above it is held that in the present reference workmen Nand Singh and Jaswinder Singh are to be re-instated in the regular grade of watch and ward staff. Chanan Singh is not entitled to re-instatement. Reference answered accordingly.

M. K. BANSAL, Presiding Officer
[No. L-42012/46/82-D. II(B)]

Chandigarh,
15-12-87.

नई दिल्ली, 8 जनवरी, 1988

का. शा. 154.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम पंजाब रिजन चंडीगढ़ के प्रबन्धतंत्र से संबद्ध नियोजकों और उनके कर्मकारों के बीच; अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-87 को प्राप्त हुआ था।

New Delhi, the 8th January, 1988

S.O. 154.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Chandigarh, as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Food Corporation of India, Punjab Region, Chandigarh and their workmen, which was received by the Central Government on 18-12-1987.

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

CHANDIGARH

Case No. ID 6/86

PARTIES :

Employers in relation to the management of Food Corporation of India.

AND

Their workmen.—Manohar Lal.

APPEARANCES :

For the workman.—Shri P. K. Singla.

For the management.—Shri N K. Zakhmi.

INDUSTRY : FCI

STATE : Punjab

AWARD

Chandigarh, the 15th December, 1987

Vide Central Government Gazette notification No. L-42012(21)82-FCI[D.IV(A)]D.V. dated 26-12-1985 issued under Section 10(1)(d) of the Industrial Disputes Act 1947, following industrial dispute was referred to this Tribunal :

"Whether the action of the management of Food Corporation of India, Punjab Region, Chandigarh in terminating the services of Shri Manohar Lal, Casual Watchmen at FSD Guru Har Sahai with effect from 13-1-1982 is justified and legal? If not to what relief the workmen is entitled?"

2. The instant reference was consolidated and tried together with reference No. L-42012(6)83-D.II(B)[D.IV(B)]D.V. dated 27th December, 1985 pertaining to a similar dispute between the same employer and a number of workmen since they involved common question of fact and law. Formal order was passed on 18-2-1986 on the request of the parties. This was obviously done to avoid any apprehension of conflict in findings, multiplicity of proceedings and undue financial strains on the parties.

3. The aforesaid reference was withdrawn, so proceedings were transferred in the reference No. I.D. 17/86 No. I.D. 42012(46)82-D.II(B)[D.V. Pt. I dated 6th January 1986 Chanan Singh and others Vs. FCI which has been decided today. For the reasons detailed in the Award passed in Chanan Singh and others

Vs. FCI, the Award is returned in favour of the workman and against the management.

M. K. BANSAL, Presiding Officer
[No. L-42012/21/82-FCI/D, IV(A) D.A.]

Chandigarh : 15-12-1987.

का.शा. 155.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुपर्यन्त में केन्द्रीय सरकार, भारतीय साल नियम, पंजाब रिजन, चंडीगढ़ के प्रबन्ध तत्व में गम्भेय नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण चंडीगढ़ के पंचाट को प्रकाशित भरती है, जो केन्द्रीय सरकार को 18 दिसंबर, 1987 को प्राप्त हुआ था।

S.O. 155.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh, as shown in the annexure, in the industrial dispute between the management of Food Corporation of India, Punjab Region, Chandigarh and their workmen, which was received by the Central Government on the 18th December, 1987.

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

CHANDIGARH

Case No. I.D. 16/86

PARTIES :

Employers in relation to the management of Food Corporation of India.

AND

Their workman.—Mohinder Lal.

APPEARANCES :

For the workman.—Shri P. K. Singla.

For the management.—Shri N. K. Zakhmi.

INDUSRTY : FCI

STATE : Punjab

AWARD

Chandigarh, the 15th December, 1987

Vide Central Govt. Gazette notification No. L-42012/26/82-FCI/D. IV(A) D.V. dated 14-1-1986 issued under Section 10(1)(d) of the Industrial Disputes Act, 1947, following industrial dispute was referred to this Tribunal :

“Whether the action of the management of FCI, Punjab Region, Chandigarh in terminating the services of Shri Mohinder Lal, Casual Watchman at FSD Guru Harsahai w.e.f. 13-1-1982 is justified and legal? If not to what relief the workman is entitled?”

2. The instant reference was consolidated and tried together with reference No. L-42012(6)/83-D. II(B)/D.IV(B)/D.V. dated 27th December 1985 pertaining to a similar dispute between the same employer and a number of workmen since they involved common question of fact and law. Formal order was passed on 18-2-1986 on the request of the parties. This was obviously done to avoid any apprehension of conflict in findings, multiplicity of proceedings and undue financial strains on the parties.

3. The aforesaid reference was withdrawn, so proceedings were transferred in the reference No. I.D. 17/86 No. L-42012(46)/82-D.II(B) D.V. Pt. I dated 6th January 1986 Chanan Singh and others Vs. FCI which has been decided today. For the reasons detailed in the Award passed in Chanan Singh and others Vs. FCI, the Award is returned in favour of the workman and against the management.

Chandigarh, 15-12-87

M. K. BANSAL, Presiding Officer.
[No. L-42012/26/82-FCI/D.IV(A)/DV]

का.शा. 156.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुपर्यन्त में केन्द्रीय सरकार साउथ रेलवे, डिविजनल रेल एंकेजर, बंगलोर ने प्रबन्धताल में गम्भेय नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण, बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22 दिसंबर, 1987 की प्राप्त हुआ था।

S.O. 156.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Southern Railway, Divisional Railway Manager, Bangalore and their workmen, which was received by the Central Government on the 22nd December, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT

BANGALORE

Bangalore, the 16th December, 1987

SR. B. N. LALGE, B.A. (Hons) LL.B.,
PRESIDING OFFICER

Central Reference No. 154/87

FIRST PARTY :

N. Gopalaswamy, Byrappanahalli, Avanthi Post, Devanahalli (tk), Bangalore (Distt.)

V/s.

SECOND PARTY :

Divisional Railway Manager, Southern Railways, Bangalore.

APPEARANCES :

For the first party.—No representation.

For the second party.—Sri J. Nagaraj, Advocate.

AWARD

By exercising its power under section 10(1) of the Industrial Disputes Act, and by its order No. L-41012/62/86-D.II(B) dated 21-8-1987, the Government of India, Ministry of Labour made the present reference on the following point of dispute.

POINT OF DISPUTE

"Is the management of Southern Railways represented by the Divisional Railway Manager, Bangalore, justified in terminating the services of Shri N. Gopalaswamy, Brapanahalli Avanthi Post, Devanahalli Taluk, Bangalore District with effect from 28-2-1986? If not to what relief the workman is entitled?"

2. Notices were issued to both the parties by registered post A.D.

3. For the second party Sri J. Nagaraj, Advocate has filed his authorisation.

4. Though the first party had been served with notice, the workman has not turned up. However, he was waited for on 11-11-1987 till about 4.40 p.m. and he was called out thrice. He was found absent and since there is no other alternative, he was placed ex parte.

5. The second party was permitted to file counter statement and adduce evidence by affidavits.

6. An affidavit of an official of the Divisional Office by name B. Pichai Raju has been filed and the counsel for the second party has been heard.

7. The affidavit shows that the first party workman was employed as a water-man for a specific period and soon-after the period was over, his services could not be continued. It has been further stated that some water-men had filed A Nos. 513 to 520/87 and 658 to 660/87 before the Central Administration Tribunal and that the said matter has been decided on 31-7-1987 and that it has been held that the workmen have no right to continue beyond the date shown in the order. The affidavit and the enclosed copy of the order show that the management of the Southern Railways was justified in terminating his services.

8. In the result, an award is hereby passed that the management of the Southern Railways was justified in terminating the services of the first party workman and that he is not entitled to get any relief.

(Dictated to the secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer

[No. L-41012/62/86-D.II(B)]

के प्रभावान्वय से सबइ नियोजनों और उनके कर्मकारों के बाब्त प्राकृति में शिद्धि प्रौद्योगिक फिल्ड में वेद्यीय मरकार औद्योगिक अस्तित्व, धगलैर के पंचाट को प्रकाशित करना, जो वेद्यीय सरपार वो 22 दिसंबर, 1987 को प्राप्त हुआ था।

S.O. 157.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of the Southern Railway (Divisional Railway Manager) Bangalore and their workmen, which was received by the Central Government on 22nd December, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Bangalore, the 16th December, 1987

SRI B. N. LALGE, B.A. (Hons.) LL.B.

PRESIDING OFFICER

Central Reference No. 137/87

FIRST PARTY :

R. Krishna Swamy,

No. 582/1, Bur Road,
Bangarpet, Kolar (Distt.).

Versus

SECOND PARTY :

Divisional Railway Manager,
Southern Railway,
Bangalore.

APPEARANCES :

For the first party.—No Representation.

For the second party.—Sri J. Nagaraj, Advocate.

AWARD

By exercising its powers under section 10(1) of the Industrial Disputes Act, and by its order No. L-41012/62/86-D.II(B) dated 24-8-1987, the Government of India Ministry of Labour made the present reference on the following point of dispute.

POINT OF DISPUTE

"Is the management of Southern Railways represented by the Divisional Railway Manager, Bangalore justified in terminating the services of Shri R. Krishnaswamy, w.e.f. 1-3-1986? If not to what relief the workman is entitled?"

2. Notices were issued to both the parties by registered post A.D.

3. For the second party Sri J. Nagaraj, Advocate has filed his authorisation.

4. Though the first party had been served with notice, the workman has not turned up. However, he was waited for on 11-11-1987 till about 4.40 p.m. and he was called out thrice. He was found absent and since there is no other alternative, he was placed ex parte.

5. The second party was permitted to file counter statement and adduce evidence by affidavits.

6. An affidavit of an official of the Divisional office by name B. Pichai Raju has been filed and the counsel for the second party has been heard.

7. The affidavit shows that the first party workman was employed as a water-man for a specific period and soon-after the period was over, his services could not be continued. It has been further stated that some watermen had filed A Nos. 513 to 520/87 and 658 to 660/87 before the Central Administration Tribunal and that the said matter has been decided on 31-7-1987 and that it has been held that the workmen have no right to continue beyond the date shown in the order. The affidavit and the enclosed copy of the order show that the management of the Southern Railways was justified in terminating his services.

8. In the result, an award is hereby passed that the management of the Southern Railways was justified in terminating the services of the first party workman and that he is not entitled to get any relief.

(Dictated to the secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer
[No. L-41012/68/86-D.II(B)]

का.आ. 158—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुराग में, केन्द्रीय सरकार, मात्र रेलवे विभिन्न रेलवे मैनेजर बंगलौर के प्रबन्धतंत्र से भव्यता नियोजकों और उनके कर्मकारों वे बीच, अनुबंध में लिदिट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक व्यक्तिरण, बंगलौर के पंचाट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 22 दिसंबर, 1987 को प्राप्त को प्राप्त हुआ था।

S.O. 158.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway, Divisional Railway Manager, Bangalore and their workmen, which was received by the Central Government on the 22nd December, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Bangalore, the 16th December, 1987

SRI B. N. LALGE, B.A. (Hons) LL.B.
PRESIDING OFFICER

Central Reference No. 139/87

FIRST PARTY :

N. Nagaraju,
S/o. Late C. Nanjaiah,
pointsman, B.D.R.L.F.
Kamaravalli Village,
Juttana Halli Post,
Hirisava-573124,
Channarayapatna (tk).

V/s.

SECOND PARTY :

Divisional Railway Manager,
Southern Railway,
Bangalore.

APPEARANCES :

For the first party—No Representation.

For the second party.—Sri J. Nagaraj, Advocate.

AWARD

By exercising its powers under section 10(1) of the Industrial Disputes Act, and by its order No. L-41012/68/86-D.II(B) dated 24-8-1987, the Government of India, Ministry of Labour made the present reference on the following point of dispute

POINT OF DISPUTE

“Is the management of Southern Railways represented by the Divisional Railway Manager, Bangalore justified in terminating the services of Shri K. Nagaraju w.e.f. 1-3-1986? If not to what relief the workman is entitled?”

2. Notices were issued to both the parties by registered post A.D.

3. For the second party Sri. J. Nagaraj, Advocate has filed his authorisation.

4. Though the first party had been served with notice, the workman has not turned up. However, he was waited for on 11-11-1987 till about 4.40 p.m. and he was called out thrice. He was found absent and since there is no other alternative, he was placed ex parte.

5. The second party was permitted to file counter statement and adduce evidence by affidavits.

6. An affidavit of an official of the Divisional Office by name B. Pichai Raju has been filed and the counsel for the second party, has been heard

7. The affidavit shows that the first party workman was employed as a water-men for a specific period and soon-after the period was over, his services could not be continued. It has been further stated that some watermen had filed A Nos. 513 to 520/87 and 658 to 660/87 before the Central Administration Tribunal and that the said matter has been decided on 31-7-1987 and that it has been held that the workmen have no right to continue beyond the date shown in the order. The affidavit and the enclosed copy of the order show that the management of the Southern Railway was justified in terminating his services.

8. In the result, an award is hereby passed that the management of the Southern Railways was justified in terminating the services of the first party workman and that he is not entitled to get any relief.

(Dictated to the secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer
[No. L-41012/69/86-D. II(B)]

का.आ. 159 :—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमत्तम में, केन्द्रीय सरकार साउथ रेलवे (ट्रिविजनल रेलवे मैनेजर) वंगलौर के प्रबन्धतंत्र में सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण, बंगलौर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22 दिसम्बर, 1987 को प्राप्त हुआ था।

S.O. 159.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railways (Divisional Railway Manager), Bangalore and their workmen, which was received by the Central Government on 22nd December, 1987.

(AWARD)

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR-COURT AT BANGALORE

Dated, 16th Day of December, 1987

Sti B. N. Lalge, B. A. (HONS) LL. B., Presiding Officer.

CENTRAL REFERENCE No. 140/87

First Party : P. Shiva S/o. Perumal Neel Tumkur Railway-Station, Tumkur-572102.

V/S.

Second Party : Divisional Railway-Manager, Southern-Railways B'lore.

APPEARANCES :

For the first party : No representation.

For the second Party : Sri J. Nagaraj, Advocate

AWARD

By exercising its powers under section 10 (1) of the Industrial Disputes Act, and by its order No L-41012/63/86-D. I^{II}(B), dated 24-8-1987, the Government of India, Ministry of Labour made the present reference on the following point of dispute

Point of Dispute

"Is the management of Southern Railways represented by the Divisional Railway Manager, Bangalore, justified in terminating the services of Sri P. Shiva, S/o. Perumal, near Tumkur Railway Station, Tumkur, with effect from 28-2-1986 ? If not to what relief the workman is entitled ?"

2. Notices were issued to both the parties by registered post A.D.

For the second party Sri J. Nagaraj Advocate, has filed his authorisation.

4. Though the first party had been served with notice, the workman has not turned up. However, he was waited for on 11-11-1987 till about 4.40 p.m. and he was called out thrice. He was found absent and since there is no other alternative, he was placed ex-parte.

5. The second party was permitted to file counter statement and adduce evidence by affidavit.

6. An affidavit of an official of the Divisional Office by name B. Pichai Raju has been filed and the counsel for the second party has been heard.

7. The affidavit shows that the first party workman was employed as a water-man for a specific period and soon-after the period was over, his services could not be continued. It has been further stated that some water-man had filed A Nos. 513 to 520/87 and 658 to 660/87 before the Central Administration Tribunal and that the said matter has been decided on 31-7-1987 and that it has been held that the workmen have no right to continue beyond the date shown in the order. The affidavit and the enclosed copy of the order show that the management of the Southern Railways was justified in terminating his services.

8. In the result, an award is hereby passed that the management of the Southern Railways was justified in terminating the services of the first party workman and that he is not entitled to get any relief.

(Dictated to the secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer
[No. L-41012/63/86-D. II (B)]

का.आ. 160 :—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, साउथ रेलवे, ट्रिविजनल रेलवे मैनेजर वंगलौर के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण, बंगलौर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22 दिसम्बर, 1987 को प्राप्त हुआ था।

S.O. 160.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the industrial dispute between the employers in relation to the management of Southern Railway, Divisional Railway, Manager, Bangalore and their workmen, which was received by the Central Government on the 22nd December, 1987.

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR
COURT AT BANGALORE

Dated, 16th Day of December, 1987

Sri B. N. Lalge B. A. (HONS) LL. B. Presiding
Officer.

CENTRAL REFERENCE NO. 141/87

FIRST PARTY : Mohammed Wazeer, S/o.
Shaik Fakruddin, Ex-casual, Water-men,
II Cross Barline, Tumkur.

V/S.

SECOND PARTY : The Divisional Railway
Manager, Southern Railway, Bangalore.

APPEARANCES :

For the first party : No representation.

For the second party : Sri J. Nagaraj, Advocate.

AWARD

By exercising its powers under section 10 (1) of the Industrial Disputes Act, and by its order No. L-41012/70/86-D, II (B), dated 24-8-1987, the Government of India, Ministry of Labour made the present reference on the following point of dispute.

Point of Dispute

"Is the management of Southern Railways represented by the Divisional Railway Manager, Bangalore justified in terminating the services of Shri Mohammed Wazeer with effect from 1-3-1986 ? If not, to what relief the workman is entitled ?"

2. Notices were issued to both the parties by registered post A. D.

3. For the second party Sri J. Nagaraj Advocate has filed his authorisation.

4. Though the first party had been serviced with notice, the workman has not turned up. However, he was waited for on 11-11-1987 till about 4.40 p.m. and he was called out thrice. He was found absent and since there is no other alternative, he was placed ex-parte.

5. The second party was permitted to file counter statement and adduce evidence by affidavits.

6. An affidavit of an official of the Divisional Office by name B. Pichai Raju has been filed and the counsel for the second party has been heard.

7. The affidavit show that the first party workmen was employed as a water-men for a specific period and soon-after the period was over, his services could not be continued. It has been further stated that some water-men had filed A Nos. 513 to 520/87 and 658 to 660/87 before the Central Administration Tribunal and that the said matter has been decided on 31-7-1987 and that it has been held that the workmen have no right to continue beyond the date shown in the order. The affidavit and the enclosed copy of

the order show that the management of the Southern Railways was justified in terminating his services.

8. In the result, an award is hereby passed that the management of the Southern Railways was justified in terminating the services of the first party workman and that he is not entitled to get any relief.

(Dictated to the secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer
[No. L-41012/70/86-D, II (B)]

भा. वा. 161 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार, नाम्य रेलवे डिविजनल रेलवे मैनेजर, बंगलोर के प्रबन्धालय से मम्बद्द नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में निम्नों संगकार औद्योगिक प्रधिकरण, बंगलौर के पंचपट को प्रकाशित करना है, जो केन्द्रीय सरकार को 22 दिसंबर, 1987 को प्राप्त हुया था।

S.O. 161.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the industrial dispute the employers in relation to the management of Southern Railway Divisional Railway Manager, Bangalore and their workmen, which was received by the Central Government on the 22nd December, 1987.

BEFORE THE CENTRAL GOVERNMENT IN
INDUSTRIAL TRIBUNAL CUM LABOUR COURT
AT BANGALORE

Dated the 16th of December, 1987

SRI S. N. LALGE, B.A. (Hons), LL.B.
PRESIDING OFFICER

CENTRAL REFERENCE NO. 136/87

FIRST PARTY :

R. Jattoji, Rao
S/o. Ranogi Rao,
Doddaragadahalli,
Gaurigadanur (K).
Thondebhevi Gobli,
Pothenahalli, post

V/S.

SECOND PARTY :

Divisional Railway
Manager, Southern
Railway, B'lore.

APPEARANCES :

For the first party : No representation.

For the second party : Sri J. Nagaraj, Advocate.

AWARD

By exercising its powers under section 10(1) of the Industrial Disputes Act, and by its order No. L-41012/71/86-B, II(B) dated the 24th August, 1987, the Government of India, Ministry of Labour made the present reference on the following point of dispute.

POINT OF DISPUTE

Is the management of Southern Railways represented by the Divisional Railway Manager, Bangalore justified in terminating the services of Shri R. Jattojirao with effect from 1-3-1986? If not, to what relief the workmen is entitled?".

2. Notices were issued to both the parties by registered post A.D.

3. For the second party Shri J. Nagaraj Advocate has filed his authorisation.

4. Though the first party had been served with notice, the workman has not turned up. However, he was waited for on 11-11-1987 till about 4.40 p.m. and he was called out thrice. He was found absent and since there is no other alternative, he was placed *ex parte*.

5. The second party was permitted to file counter statement and adduce evidence by affidavits.

6. An affidavit of an official of the Divisional office by name B. Pichai Raju has been filed and the counsel for the second party has been heard.

7. The affidavit shows that the first party workman was employed as a waterman for a specific period and soon-after the period was over, his services could not be continued. It has been further stated that some water-men had filed A Nos. 513 to 520/87 and 658 to 660/87 before the Central Administration Tribunal and that the said matter has been decided on 31-7-1987 and that it has been held that the workmen have no right to continue beyond the date shown in the order. The affidavit and the enclosed copy of the order show that the management of the Southern Railways was justified in terminating his services.

8. In the result, an award is hereby passed that the management of the Southern Railways was justified in terminating the services of the first party workman and that he is not entitled to get any relief.

(Dictated to the secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer.
[No. L-41012/71/86-D.II(B)]

का.आ. 162 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मात्रमें रेलवे डिविजनल रेलवे मैनेजर बगलौर के प्रबन्धतंत्र में सम्बद्ध नियोजका और उनके कर्मकारों के बीच, अनुवर्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, बगलौर के पंचपट को प्रकाशित करनी है, जो केन्द्रीय सरकार ता 22 दिसंबर, 1987 का प्राप्त हुआ था।

S.O. 162.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the industrial dispute between the employers in relation to the

management of Southern Railway, Divisional Railway Manager, Bangalore and their workmen, which was received by the Central Government on the 22nd December, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT BANGALORE.

Dated, the 16th day of December 1987

Sri B. N. LALGE, B.A. (Hons.) LL.B.
PRESIDING OFFICER

CENTRAL REFERENCE NO. 139/87

FIRST PARTY :

I. Umashe,
s/o V. Lingaiah,
Cabinetman, Southern
Railway, Mandy.

SECOND PARTY :

Divisional Railway,
Manager, Southern
Railways, Bangalore.

APPEARANCES :

For the first party : No representation,
For the second party : Shri J. Nagaraj, Advocate.

AWARD

By exercising its powers under section 10(1) of the Industrial Disputes Act, and by its order No. L-41012/71/86-D.II(B) dated 24-8-1987, the Government of India, Ministry of Labour made the present reference on the following point of dispute.

POINT OF DISPUTE

"Is the management of Southern Railway represented by the Divisional Railway Manager, Bangalore justified in terminating the services of Shri L. Umashe, Chairman Mandy with effect from 28-2-1986? If not to what relief the workman is entitled?"

2. Notices were issued to both the parties by registered post A.D.

3. For the second party Sri J. Nagaraj Advocate has filed his authorisation.

4. Though the first party had been served with notice, the workman has not turned up. However, he was waited for on 11-11-1987 till about 4.40 p.m. and he was called out thrice. He was found absent and since there is no other alternative, he was placed *ex parte*.

5. The second party was permitted to file counter statement and adduce evidence by affidavits.

6. An affidavit of an official of the Divisional Office by name B. Pichai Raju has been filed and the counsel for the second party has been heard.

7. The affidavit shows that the first party workman was employed as a water-man for a specific period and soon-after the period was over, his services could not be continued. It has been further stated

that some water-man had filed A Nos. 513 to 520/87 and 658 to 660/87 before the Central Administration Tribunal and that the said matter has been decided on 31-7-1987 and that it has been held that the workman have no right to continue beyond the date shown in the order. The affidavit and the enclosed copy of the order shown that the management of the Southern Railways was justified in terminating his services.

8. In the result, an award is here-by passed that the management of the Southern Railways was justified in terminating the services of the first party workman and that he is not entitled to get any relief.

(Dictated to the secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer
[No. L-41012/67/86-D.H.(F)]
HARI SINGH, Desk Officer.

नई दिल्ली, 30 दिसंबर, 1987

का ग्रा. 163 :—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित स्थापन में सम्बद्ध नियोजक और कर्मचारियों की बहुमंज्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकोण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध सम्बन्धित स्थापन को लागू किए जाने चाहिए—

- मैसर्से सेल्स एक्टोन (प्राइवेट) लिमिटेड, भानवन्ध भवन, तृतीय खण्ड 348 डाक्टर डी एन रोड, बम्बई-1
- मैसर्से एसेंसिएशन आफ बैसिक मैन्युफैक्चर्स आफ पेस्टि-साइडस मैकेवर हाउस, चतुर्थ खण्ड एम के प्रहिर भार्ग बम्बई-25 और इसकी 903 भानवन्ध भवन कल्तुरवा गांधी मार्ग, नई दिल्ली-1 स्थित शाखा
- मैसर्से पी डब्ल्यू एच मैटेरियल हैंडलिंग लिमिटेड, 123-126 अकाडिया 195 नारीमन प्लाईट बम्बई-21 और इसका भानवन्ध सोजितरा रोड, पी. ओ. बास्स मं. 49, बल्लभ, विद्यानगर-20 (गुजरात) स्थित रजिस्टर्ड कार्यालय
- मैसर्से रामा पीटो कैमिकल्स लिमिटेड 812 रहोजा बैम्सर्स नारीमन प्लाईट बम्बई-21 और इसकी मावरोली खारपाड रोड आम बाशवाली पटेल गगा जिला गायगढ़ स्थित फैक्ट्री
- मैसर्से विटा माइदा लिमिटेड एफिस्ट्रोन हाउस, दिनीय खण्ड 17 मर्शवान रोड बम्बई-1 और इसकी (1) पार्क विव बूनी कुई मवमारी 396445 तथा (2) टावर रोड मुरत (दोनों गुजरात) स्थित शाखाएँ

अतः केन्द्रीय सरकार उक्त धारा नियम की धारा

1 की उप धारा 4 धारा प्रत्यत शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करती है।

[मंत्रीग्रन्थ-35018 (5)/87-एमएम2]

New Delhi, the 30th December, 1987

S.O. 163.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments, namely

- M/S Central Acetone (Private) Limited, Anand Bhawan, 3rd Floor, 348, Dr. D. N. Road, Bombay-1
- M/S Association of Basic Manufactures of Pesticides, Maybaker House, 4th Floor, S. K. Ahuja Marg, Bombay-25, including its branch at 903, Ansal Bhawan, Kasturba Gandhi Marg, New Delhi-1.
- M/S PWH Material Handling Limited, 123-126, "Arcadia" 195, Nariman Point, Bombay-21, including its Registered Office at Anand Sojat Road, Post Office Box 49, Vallabh, Vidyanager-20 (Gujarat)
- M/S Rama Petro-Chemicals Limited, 812, Raheja Chambers Nariman Point, Bombay-21 including its Factory at Savroll, Kharapada Road, Village, Vasai-Virar District Raigad.
- M/s. Vitta Mazda Limited, Elphinstone House, 2nd Floor, 17, Marazban Road, Bombay 1, including its branches located at (1) Park View, Luni Kiun, Navsari-306445 and (2) Tower Road, Surat (both in Gujarat)

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[No. S. 35018(5)/87-SS-II]

का०ग्रा० 164 :—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुमंज्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकोण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध सम्बन्धित स्थापन को लागू किये जाने चाहिए :—

- मैसर्से विमल बिल्डर्स, 41/249, इलारा पार्क रेस कोर्स सर्कल, बड़ोदा-7
- मैसर्से श्री शक्ति इन्डस्ट्रीज, स्थम नं. 643, ज्वाक 9, जी. एन., गांगा रोड, बड़ोदा
- मैसर्से मुग्रीम मैनीटेक्न एण्ड हार्टीकल्चर गविसिंग, 56, भागोदर्य को-ऑपरेटिव हार्डसिंग सोमवारी, गोरखा, बड़ोदा
- मैसर्से श्री गुरुदेव एजेन्सी भी/216 पाथागथा शेरी हजिबनता बाजार, भड़ो

5. मैसर्से मधीन प्लांटिंग (प्राइवेट) लि, नवरोजी धर्मीन कम्पाइन, गुलिस लाईन शाहीबाग, बहुमदाबाद-4

अतः केन्द्रीय सरकार उक्त धारा नियम की धारा 1 की उपधारा 4 धारा प्रदत्त शक्तियों का प्रयोग करने हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करती है।

[मंत्रीग्रन्थ-35019 (57)/87-एम.एम.-2]

S.O. 164.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of

Prov. of F

Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishment, namely,

1. M/s. Vimal Builders, 41/249, Ellora Park, Race Course Circle, Baroda-7.
2. M/s. Shree Shakti Electric, Room No. 543, Block 9, G. H. Board, Gorwa Road, Baroda
3. M/s. Supreme Sanitation and Horticulture Services, 56, Bhagiyodaya Cooperative Housing Society, Gorwa, Baroda.
4. M/s. Shree Gurudev Agency, C/216, Pathigaya Sheri, Hajikhana Bazar, Bharuch
5. M/s. Mapin Publishing (Private) Limited, Navroji Vakil Compound Police Line, Shahibaug, Ahmedabad-4.

Now, therefore, in exercise of the power's conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[S. 35019(57)/87-SS. II]

नई दिल्ली, 4 जनवरी, 1988

का.आ. 165.—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित स्थापन सम्बद्ध नियोजक और कर्मचारियों की बहुमत्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपचार्य अधिनियम, 1952 (1952 का 19) के उपचार्य सम्बन्धित स्थापन को भाग किये जाने चाहिए।—

1. मैसर्स स्टेट बैंक आफ इंडिया स्टाफ को-ऑपरेटिव स्टोर लिमिटेड, स्टेट बैंक आफ इंडिया बिल्डिंग, वंगलीर-1
2. मैसर्स लैट्री लिंजिंग (इन्डिया) लिमिटेड, 26/1 लावेली राड, बंगलोर-1
3. मैसर्स असेंजर रिसर्च सेंटर, पोस्ट बाक्स नं. 359, 18 क्रीम मलेश्वरम, बंगलोर-3
4. मैसर्स वासाजी प्लास्टीक इन्डस्ट्रीज एम एस रमेश्या इन्डस्ट्रीयल स्टेट बंगलोर-54
5. मैसर्स कर्नाटक इन्सीलरीज, ए-358, इन्डस्ट्रीयल स्टेट पिंडिया, वंगलीर-58
6. मैसर्स व्यवसाय सेंचा सहारी संघ नियमित्या व्यातारायनापुरा बंगलोर नार्य तालुक और इसकी (1) हैबल (2) कोरीगीहाली (3) चेमिनाकानाहाली नियन्त्र आवागां
7. मैसर्स पिम्माहाली मिल्स, प्रॉड्यूसर को-ऑपरेटिव सोसाइटी लिमिटेड, पिम्माहाली हरोहाली पोर्ट देवानाहाली तालुक बंगलोर जिला
8. मैसर्स दी कुंडगोप तालुक प्राइमरी को-ऑपरेटिव एग्रीकलचर एन्ड हरल डेवलपमेन्ट बैंक लिमिटेड कुंडगोप
9. मैसर्स दी यिगोन तालुक प्राइमरी को-ऑपरेटिव एग्रीकलचर एन्ड हरल डेवलपमेन्ट बैंक लिमिटेड यिगोन
10. मैरारी पी. के. जर्ज इंजिनियरिंग कंसल्टेंट, पल्लुवांगी, काम्बला, सूरत जल (परा के)
11. मैसर्स हनुमान टाइन वर्क्स, भरती रोड मालूर तालुक, कोलार जिला

12. मैसर्स गिलक प्रॉड्यूसर्स को-ऑपरेटिव सोसाइटी लिमिटेड नीलुवांगीलू, मालूर तालुक मन्दिरा जिला

13. मैरारी दी को-ऑपरेटिव जर्बन बैंक लिमिटेड, किराना बाजार, गुलबर्ग

14. मैसर्स दी गेंहक तालुक प्राइमरी को-ऑपरेटिव एग्रीकलचर एन्ड हरल डेवलपमेन्ट बैंक लिमिटेड गेंहक

अतः केन्द्रीय सरकार उक्त धारा नियम की धारा 1, की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपचार्य उक्त स्थापनों को लागू करती है।

[मंत्रालय-एन-35019(56)/87 एसएस-2]

New Delhi, the 4th January, 1988

S.O. 165.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments, namely.—

1. M/s. State Bank of India, Staff Cooperative Stores Limited, SBI Building, Bangalore-1.
2. M/s. Shetty Leasing (India) Limited, 26/1, Lavello Road, Bangalore-1.
3. M/s. Astra Research Centre, Post Box No. 359, 18th Cross, Muttomswaram, Bangalore-3.
4. M/s. Balaji Plastic Industries, MS Ramaiah Industrial Estate, Bangalore-54.
5. M/s. Karnataka Ancillaries, A-358, Industrial Estate, Peenya, Bangalore-58.
6. M/s. The Vyavasaya Seva Sahakara Sangha Nivaranamitha, Bhatayana Pura Bangalore North Taluk and its Branches at (1) Hebbal (2) K. I. G. Halli (3) Cholanyukanhallu.
7. M/s. Thimmahalli Milk Producers Co-operative Society Limited, Thimmahalli Harehalli Post Devanahalli TQ, Bangalore District.
8. M/s. The Kudgol Taluka Primary Co-operative Agriculture and Rural Development Bank Limited, Kudgol.
9. M/s. The Shiggaon Taluka Primary Cooperative Agricultural and Rural Development Bank Limited, Shiggaon.
10. M/s. P. K. George, Engineering Contractor, Pulluvalli, Kambla, Surathkal (S.K.).
11. M/s. Hanuman Tile Works, Masti Road, Malur Taluk, Kolar District.
12. M/s. Milk Producers Cooperative Society Limited, Niluvagalu, Maddur, Taluk, Mandya District.
13. M/s. The Cooperative Urban Bank Limited, Kurna Bazar, Gulbarga.
14. M/s. The Gudag Taluk Primary Cooperative Agriculture and Rural Development Bank Limited, Gudag.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[S. 35019(56)/87-SS-1]

का.आ 166—यथा: मैसर्स लखनपाल प्रा. लि 29, भू कीर्तिन गोड, बम्बई-400004 (एम.एस./4316) (इसके आगे जहां भी उक्त स्थापना एवं वापर प्रयोग हो इसी अधिनियम उक्त स्थापना में है) ने कर्मचारी भविष्य निधि और प्रतीर्त उपचार अधिनियम, 1952 (1952 का 19) (इसके आगे उस अधिनियम के नाम से निविष्ट) की धारा 17 की उपचारा (1) के उन्ड (क) के उन छूट प्राप्त वरने के लिए जावेश्वर निया है।

यह केन्द्र सरकार नी राय में उक्त स्थापना के कर्मचारियों के लिए हैंतर किए गए भविष्य निधि नियों में अशादान की दृष्टि उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की इस में कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि लाम उक्त अधिनियम तथा कर्मचारी भविष्य निधि नियम, 1952 (इसके आगे जहां वही भी स्कीम शब्द का प्रयोग किया गया है इसमें अधिकार उक्त स्कीम से है) में उल्लिखित लामों से किसी भी प्रकार में कम नहीं है जो इस की स्थापनाओं में कार्यक्रम कर्मचारियों को दर्शाय है।

अब हमालिए उक्त अधिनियम की धारा 17 की उपचार (1) के उन्ड (क) द्वारा प्रदान जिनमें को प्रतीर्त को पुर और पंचम अनुमूल्य में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्थान के पांच वर्षों के लिए दिया जावेश्वर ने छूट प्राप्त करवी है।

अनुभूति

1. उक्त स्थापना में सम्बन्धित नियोंका केन्द्र सरकार ने द्वारा समरपनम पर दिए गए नियों के अनुगार उक्त अधिनियम की धारा 17 की उपचारा (3) के उन्ड (क) में उल्लिखित विरोधित के लिए सुनिधाएं पदान करेगा और उसे विरोधित प्रमाण की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के अन्दर करेगा।

2. न-छूट प्राप्त स्थापनाओं के सम्बन्ध में उक्त अधिनियम और उसमें जीनी लूजित उक्त स्कीम के अन्तर्गत देव अंशदान भी दर से स्थापना के भविष्य निधि नियमों के प्रत्यंगत देव अंशदान का दर किया गमन परीक्षा करना होगा।

3. प्रेशियों के मामले में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हिन कर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन की स्थापना के वर्तमान नियमों रो विधिक लाम कारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी अंशोधन, क्षेत्रीय भविष्य निधि आयुक्त की पूर्व अनुमति के वर्ग नहीं किया जाएगा और जहां किसी संशोधन से उक्त स्थापना के कर्मचारियों के 1 के प्रतिकूल प्रणाली होने की सम्भावना है वहां अपनी अनुमति के में पूर्व क्षेत्रीय भविष्य निधि आयुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उक्ति अवधार है।

5. यदि स्थापना को छूट न दी जाती तो वे भी कर्मचारी [जैसे उक्त अधिनियम की धारा 2(च) में निश्चित किया गया है] जो सदस्य वरना के पात्र होते, रास्ते रास्ते जाएंगे।

6. यह एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट-प्राप्त स्थापना का पहले से सदस्य है, को अपनी रक्षापन में काम पर लगाया जाता है तो नियोंका उक्त निधि का तुलन मद्दम बनाया और ऐसे कर्मचारी के पिछले नियोंका के पास भविष्य निधि लेकर में सभ्यों को अनुशासन वरना और उक्त नियों में जगा कुराने वी व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयक्त वे द्वारा अधिकार के द्वारा जैसे भी मामलों हो, समय समय पर दिए गए नियोंको के अनुसार भविष्य निधि के प्रबन्ध के लिए नियोंका न्यासी बोई की स्थापना करेगा।

8. भविष्य निधि, न्यासी बोई में निहित छोड़ा जो अन्य वालों के होते हुए भविष्य निधि में आय के उचित लेखों और भविष्य निधि से अदायगियों और उनकी अभिभाव में शेषों के लिए कर्मचारी भविष्य निधि संगठन के उत्तरदायी होगा।

9. न्यासी बोई वास से कम 3 माह में एक बार बैठक करेंगे जीर केन्द्र सरकार द्वारा समय सभग पर जारी किया गया मार्ग नियोंको के अनुसार कार्य करेंगे। केन्द्रीय भविष्य निधि आयक्त को अधिकार होगा कि वह किसी अन्य योग्य लेखा परीक्षक से खालों को दुबारा लेखा परीक्षा कराएं और ऐसे पूर्ण लेखा परीक्षा के गर्व नियोक्ता नहन करेंगा।

10. प्रत्येक कर्म स्थापना के लेखा परीक्षित तुलनपत्र के भाग लेखापरीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के लगभग 15 तारीख तक न्यासी बोई वोई अंतरित कर देगा। अंशदानों की वित्तम्ब में अदायगी करने के लिए समान परिस्थितियों में नियोक्ता नुकसानी देने का उनी प्रकार उत्तरदायी होगा जिस प्रकार एक न छूट प्राप्त स्थापना उत्तरदायी होती है।

11. नियोक्ता प्रतिभाव भविष्य निधि के द्वय अपने कर्मचारियों के अंशदानों की आगामी माह की 15 तारीख तक न्यासी बोई वोई अंतरित कर देगा। अंशदानों की वित्तम्ब में अदायगी करने के लिए समान परिस्थितियों में नियोक्ता नुकसानी देने का उनी प्रकार उत्तरदायी होगा जिस प्रकार एक न छूट प्राप्त स्थापना उत्तरदायी होती है।

12. न्यासी बोई सरकार द्वारा समय समय दिए गए नियोंको के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिमूलियों न्यासी बोई के नाम पर प्राप्त की जाएंगी और भारतीय रिजर्व बैंक के जमा नियंत्रण में अनुमूलित बैंक की अधिकार में रखा जाएगा।

13. सरकार के नियोंको के अनुसार नियों के नाम पर प्राप्त करने का उक्ति अवधार है।

निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रभार का उत्तरदायी होगा।

14. न्यासी बोई एक प्रस्तु व्यापार गजिन्टर नैयार करेगा और व्याज द्वारा विमोचन आय को समय पर बहुती मुनिश्चित करेगा।

15. जमा किए गए अंशदानों, निकाले गए और प्रेक कर्मचारी में संबंधित व्याज को दिलाने के लिए न्यासी बोई विस्तृत लेखे तैयार करेगा।

16. वित्तीय/निक्षा वर्ष की भवापन के लिए मास के अन्दर बोई प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जारी करेगा।

17. बोई प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर प्रस्तुत जारी कर सकता है। ये पास वक कर्मचारियों की अभिभाव में रोधी और कर्मचारियों के प्रमुखिक गण पर बोई के द्वारा इस्तें अद्यतन किया जाता।

18. लेखा वर्ष के पहले दिन आदि जेप पर प्रत्येक कर्मचारी के लेखे में व्याज उम दर में जमा किया जाएगा जिनका न्यासी बोई निर्गत करे परन्तु यह उक्त रकीम के लिए 60 के अन्तर्गत केन्द्रीय सरकार द्वारा प्रोतित दर से कम नहीं होगा।

19. यदि न्यासी बोई केन्द्रीय सरकार द्वारा व्योगित व्याज की दर इस कारण से कि निरेज पर आय कम है वा विनी अन्य कारण से अदा करने में अनुर्भव है तो इस वर्षी को निरोक्ता प्रा करेगा।

20. नियोक्ता भविष्य निधि की ओरी के कारण, लक्ष्यसूट, लक्ष्यन, गवन अवधार किसी अन्य कारण से हाति वो प्रा करेगा।

21. नियोक्ता और न्यासी बोई, क्षेत्रीय भविष्य निधि, आयुक्त को एमी विवरणिया प्रस्तुत करेगा जो समय समय पर वेद्यीय सरकार/केन्द्रीय भविष्य निधि आपूर्ति निर्धारित करें।

22. उक्त स्कीम के पैरा 69 की दैली पर कि ती कर्मचारी की निधि के सदस्य न रखने पर यदि स्थापना के भविष्य निधि नियमों में नियोक्ताओं के अंशदानों को जब्त करने की आवश्यकता है तो न्यासी बोई हम प्रकार जब्त की गई राशियों का अलग से लेखा नैयार करेगा और उसे ऐसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त की पूर्व अनुमति से मुनिश्चित किया गया है।

23. स्थापना के भविष्य निधि के नियमों में किसी बात के होने पर भी यदि स्थापना के कर्मचारी के सदस्य न रखने पर या उसके अन्य स्थापना में राशनान्तरण होने पर उसको उपदान और पेशन नियमों के अन्तर्गत अदा की जाने वाली नियोक्ता और कर्मचारी की राशि, नियोक्ता और कर्मचारी अंशदान की व्याज मार्कित उम राशि से कम है जो उसे हम

समय प्राप्त होती जब वह उक्त स्कीम का संदर्भ होता, तो नियोक्ता मार्कित के स्पष्ट में या विशेष अंशदान के स्पष्ट में राशि वा अन्तर अदा करेगा।

24. नियोक्ता, भविष्य निधि के प्रशासन से संबंधित गमी वर्तने जिसमें लेखों के रुपरूपाव रिटर्न प्रस्तुत किये जाने अधियों का अन्तरण धार्मिक है, वहन करेगा।

25. स्थापना में संबंधित नियोक्ता निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा और प्रत्येक माह की समाप्ति पर 15 दिन तक अन्वर पर्से निरीक्षण प्रभार अदा करेगा जो समय समय पर केन्द्रीय सरकार उक्त अधिनियम की धारा 17 की उपधारा (3) के छंड (क) के अन्तर्गत नियित करे।

26. नियोक्ता समुचित प्राक्षिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है, उमकी सम्बन्ध बातों को कर्मचारियों के बहुमत की धारा में अनुवाद करके स्थापना के बोई पर लगाएगा।

27. "समुचित सरकार" स्थापना की चालू दृट पर और जाने लगा सकती है।

28. यदि उक्त अधिनियम के अन्तर्गत स्थापना वर्ग नियमें उमकी स्थापना आती है, पर अंशदान की दर बढ़ायी जाती है, नियोक्ता भविष्य निधि अंशदान की दर उचित हप में बढ़ाएगा, ताकि उक्त अधिनियम के अन्तर्गत विए जाने वाले लाभों में स्थापना की स्कीम के अन्तर्गत विए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हो।

29. उक्त शर्तों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है।

[पा.सं. एस 35012/28/87-स-स2]

S.O. 166.—Whereas M/s. Lakhnepal Pvt. Ltd., 29 New Queens Road, Bombay-400004, (MH/4316) (Hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to us the said Act);

And whereas in the opinion of the Central Government the rules of the Provident Fund of the said establishment with respect to the rates of contribution are not less favourable to employee thereof than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the unexempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically no amendment of the rules of the provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

5. All employees [as defined in section 2(f) of the said Act] who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees' Provident Fund (Statutory) or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees Provident Fund Organisation inter alia for proper accounts of the receipts into and payment from the Provident Fund and the balance in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or an officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident Fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st of April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contribution in the same manner as an unexempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a Scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally

and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a scriptwise register and ensure timely realisation of interest and ensure timely realisation of interest and redemption proceeds.

16. The Board of Trustees shall maintain detailed accounts to show the contributions credited withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial/accounting year.

18. The Board may, instead of the annual statement of accounts, issue pass books to every employee. The pass books shall remain in the custody of the employees and will be brought up to date by the Board on presentation by the employees.

19. The account of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year of such date as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason, then the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, misappropriation or any other reason.

22. The employer as well as the Board Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employers' contributions in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account of the amounts so forfeited and may utilise the same for such purposes as may be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding anything contained in the rules of the Provident Fund of the establishment, if the amount payable to any member upon his ceasing to be an employee of the establishment or transferable on his transfer to any other establishment by way of employer and employees' contribution plus interest thereon taken together with the amount, if any payable under the Gratuity or pension rules be less than the amount that would be payable as employer's and employees' contributions plus interest thereon if he were a member of the Provident Fund under the said Scheme, the employer shall pay the difference to the member as compensation or special contribution.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employee shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution of or the class of establishments in which his establishment falls is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

का. आ. 167.—यतः मैसर्स ब्लैज एडवरटाइजिंग (दिल्ली) प्रा.लि. हिमालया हाउस, 10वीं मंजिल, 23, कल्पना गांधी मार्ग, नई दिल्ली-110001 (इसके आगे जहाँ भी उक्त स्थापना शब्द का प्रयोग हो इससे अभिप्राय: उक्त स्थापना में है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) इसके आगे उक्त अधिनियम के नाम से निर्दिष्ट को धारा 17 की उपधारा (1) के खंड (क) के अन्तर्गत छूट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों में अंशदान की दर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की दर से कम नहीं है तथा इसके कर्मचारियों को फिलने वाले भविष्य निधि लाभ उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके आगे जहाँ कहीं भी स्कीम शब्द का प्रयोग किया गया है उससे अभिप्राय उक्त स्कीम से है) में उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो इस वर्ग की स्थापनाओं में कार्यरत कर्मचारियों को उपलब्ध है।

अब इसलिए उक्त अधिनियम की धारा 17 की उपधारा एक के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करे हुए और संलग्न अनुसूची में वर्णित पात्रों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबन्धों के लागू होने से छूट प्रदान करती है।

अनुसूची

1. उक्त स्थापना में सम्बन्धित नियोक्ता केन्द्र सरकार के द्वारा समय समय पिए गए नियोक्ता के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) के खंड (क) में उल्लिखित नियोक्ता के लिए सुविधाएँ प्रदान करेगा और दोनों नियोक्ता प्रभार की अदायगी प्रत्येक मास की समाप्ति के 15 दिन के अन्दर करेगा।

2. न छूट प्राप्त स्थापनाओं के संबंध में उक्त अधिनियम और उसके अधीन मंजिल उक्त स्कीम के अन्तर्गत देय अंशदान के द्वारा से स्थापना के भविष्य निधि नियमों के अन्तर्गत देय अंशदान का दर किसी समय भी कम न होगा।

3. प्रेषणियों के मामले में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन की स्थापना के वर्तनान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा, उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन, क्षेत्रीय भविष्य निधि आयुक्त की पूर्व अनुमति के बगैर नहीं किया जाएगा और जहाँ किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभावी होते की संभावना है वहाँ अपनी अनुमति देने से पूर्व, क्षेत्रीय भविष्य निधि आयुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना की छूट न दी जाती तो वे सभी कर्मचारी (जैसे उक्त अधिनियम की धारा 2(च) में निश्चित किया गया है) जो सदस्य बनने के पाव छोत, सदस्य बनाए जाएंगे।

6. जहाँ एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या विसी अन्य छूट प्राप्त स्थापना का पहले से सदस्य है, को अपनी स्थापना में काम पर लगाया जाता है तो नियोक्ता उसे निधि का तुरन्त सदस्य बनाएगा और ऐसे कर्मचारी के पिछले नियोक्ता के पास भविष्य निधि नेब्रे में संचयों की अंतरित करने और उनके लेब्रे में जमा कराने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसे भी मामला हो, समय समय पर दिए गए नियोक्तों के अनुसार भविष्य निधि के प्रबन्ध के लिए नियोक्ता न्यासी नाई की स्थापना करेगा।

8. भविष्य निधि, न्यासी बोर्ड में निहित होगा जो अन्य बांडों के होने हुए भविष्य निधि में आव के उचित लेब्रों और भविष्य निधि से अदायगी और उनकी अभिरक्षा में जोपों के लिए कर्मचारी भविष्य निधि संगठन के उत्तदायी होगा।

9. न्यासी बोर्ड क्षम में का 3 माह में एक बार बैठक करेंगे और केन्द्र सरकार द्वारा समय समय पर जारी किए गए मार्ग नियोक्तों के अनुसार कार्य करेंगे। केन्द्रीय भविष्य निधि आयुक्त को अधिकार होगा कि वह किसी अन्य योग्य लेब्रा परोक्षक में खातों को दुबारां बाबा परोक्षा कराएं और ऐसे पून लेब्रा परोक्षा के बचं ति क्रिता बहन करेगा।

10. प्रत्येक वर्ष स्थापना के लेब्रा परोक्षित तुलन-पत्र के साथ लेब्रापरोक्षित वार्षिक भविष्य निधि लेब्रों की एक प्रति वित्तीय वर्ष की समाप्ति के छः माह के अन्वर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी। इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

11. नियोक्ता प्रतिमाह भविष्य निधि के देय अपने कर्मचारियों के अंशदानों की आगामी माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा। अंशदानों की विलम्ब से अदायगी करने के लिए समान परिस्थितियों में नियोक्ता नुकशानी देने का उम्मी प्रकार ज्ञातरदायी होगा जिस प्रकार एक न-छूट प्राप्त स्थापना उत्तदायी होती है।

12. न्यासी बोर्ड सरकार द्वारा समय-समय पर दिए गए नियोक्तों के अनुसार निधि में जाता राशियों का नियोक्ता करेगा। प्रतिभूतियां न्यासी बोर्ड के नाम पर प्राप्ति की जाएंगी और भारतीय रिजर्व बैंक के जमा वित्तण में अनुसूचित बैंक की अभिरक्षा में रखा जाएगा।

13. सरकार के नियोक्तों वे अनुपार नियोक्ता न करने पर न्यासी बोर्ड अलग-अलग रूप से और एक साथ केन्द्रीय

भविष्य निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रभार का उत्तरदायी होगा ।

14. न्यासी बोर्ड एक वस्तु-ब्यौरा रजिस्टर तैयार करेगा और ब्याज और विभोचन आय की समय पर वसूली सुनिश्चित करेगा ।

15. जमा किए गए अंशदानों, निकाले गए और प्रत्येक कर्मचारी से संबंधित ब्याज को दिखाने के लिए न्यासी बोर्ड विस्तृत लेखे तैयार करेगा ।

16. वित्तीय/लेखा वर्ष की समाप्ति के छः माह के अंदर बोर्ड प्रत्येक वर्षीयां रारी को वार्षिक लेखा विवरण जारी करेगा ।

17. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पासबुक जारी कर सकता है। ये पास-बुकें कर्मचारियों की अभिरक्षा में रहेंगी और कर्मचारियों के प्रस्तुतीकरण पर बोर्ड के द्वारा इन्हें अधितन किया जाएगा ।

18. लेखा वर्ष के पहले दिन आदि शेष पर प्रत्येक कर्मचारी के लेखे में ब्याज इस दर से जना किया जाएगा जिसका न्यासी बोर्ड निर्णय वरे परन्तु यह उक्त स्कीम के पैरा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा ।

19. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित ब्याज की दर इस कारण से निवेश पर आय कम है या किसी अन्य कारण से अवा रहने में असमर्थ है तो इस कमी को नियोक्ता पूरा करेगा ।

20. नियोक्ता भविष्य निधि की चोरी के कारण, लूटखोसोट, खानत, गबन अथवा किसी अन्य कारण से हुई हानि की पूरा करेगा ।

21. नियोक्ता और न्यासी बोर्ड, वित्तीय भविष्य निधि आयुक्त को ऐसी विवरणियां प्रस्तुत करेगा जो समय समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करें ।

22. उक्त स्कीम के पैरा 69 की तैली पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोक्ता द्वारा की अंशदानों को जब्त करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार जब्त की गई राशियों का अलग से लेखा तैयार करेगा और उसे ऐसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त की पूर्व अनुमति से सुनिश्चित किया गया हो ।

23. स्थापना के भविष्य निधि के नियमों में किसी बात के होने पर भी यदि स्थापना के कर्मचारी के सदस्य न रहने पर या उसके अन्य स्थापना में स्थानान्तरण होने पर उसको उपदान और पेशन नियमों के अन्तर्गत अदा की जाने वाली नियोक्ता और कर्मचारी की राशि, नियोक्ता और कर्मचारी अंशदान को ब्याज सहित उस राशि से कम है जो उसे इस समय प्राप्त होती जब वह उक्त

स्कीम का सदस्य होता, तो नियोक्ता मुशावरे के रूप में या विशेष अंशदान के रूप में राशि का अंतर अदा करेगा ।

24. नियोक्ता, भविष्य निधि के प्रशासन से संबंधित सभी खर्चों जिसमें लेखों के रड्ड-रद्दाव रिटैं प्रस्तुत किए जाने, राशियों का अंतरण शामिल है, वहन करेगा ।

25. स्थापना से संबंधित नियोक्ता निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा और प्रत्येक माह को समाप्ति पर 15 दिन के अंदर ऐसे निरीक्षण प्रभार अदा करेगा जो समय समय पर केन्द्रीय सरकार उक्त अधिनियम की धारा 17 की उपाया (3) के खंड (क) के अन्तर्गत निश्चित करें ।

26. नियोक्ता समुचित प्राविकारी द्वारा अनुमोदित निधि के नियमों को एक प्रति तथा जब भी कोई संशोधन होता है, उसको मुख्य बातों को कर्मचारियों के बहुमत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लाएगा ।

27. "समुचित सरकार" स्थापना की चारू छूट पर और शर्तें लगा सकती हैं ।

28. यदि उक्त अधिनियम के अंतर्गत स्थापना वर्ग जिसमें उसको स्थापना आती है, पर अंशदान की दर बढ़ायी जाती है, नियोक्ता भविष्य निधि अंशदान को दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अंतर्गत दिए जाने वाले लाभों से स्थापना को स्फार के अंतर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हों ।

29. उक्त शर्तों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है ।

[फा. संख्या-एस-35012/29/87/स.स-2]

S.O. 167.—Whereas Messis Blaze Advertising (Delhi) Pvt. Ltd., Himalaya House, 10th Floor, 25, Kasturba Gandhi Marg, New Delhi (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the Provident Fund of the said establishment with respect to the rates of contribution are not less favourable to employee than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a period of.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time

to time direct under clause (a) of sub-section (3) of section 17 of the said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the unexempted establishments and the said Schedule framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically on amendment of the rules of the provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

5. All employees (as defined in section 2(f) of the said Act) who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees' Provident Fund (Statutory) or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees Provident Fund Organisation inter alia for proper accounts of the receipts into and payments from the Provident fund and the balance in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or an officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st of April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an unexempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a Scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a scriptwise register and ensure timely realisation of interest and ensure timely realisation of interest and redemption proceeds.

16. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial/accounting year.

18. The Board may, instead of the annual statement of accounts, issue pass books to every employee. These pass books shall remain in the custody of the employees and will be brought up to date by the Board on presentation by the employees.

19. The account of each employee shall be credited with interest calculated on the opening balance as on the 1st day of the accounting year of such date as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason, then the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, misappropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employers' contributions in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account of the amounts so forfeited and may utilise the same for such purposes as may be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding anything contained in the rules of the Provident Fund of the establishment, if the amount payable to any member upon his ceasing to be an employee of the establishment or transfer to any other establishment by way of employer and employees' contribution plus interest thereon taken together with the amount, if any payable under the Gratuity or pension rules be less than the amount that would be payable as employer's and employees' contributions plus interest thereon if he were a member of the Provident Fund under the said Scheme, the employer shall pay the difference to the member as compensation or special contribution.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employer shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution of or the class of establishments in which his establishment falls is enhanced under the said Act so that the

benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[No. S-35012(29)/87-SS II]

नई दिल्ली, 4 जनवरी, 1988

का.आ. 168—गजय सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (ध) के अनुसरण में श्री बी.एम. इजारिका वे स्थान पर श्री जी. सी. खोड़, मन्त्रिव, आसाम सरकार, धर्म और रोजगार विभाग को कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है:

अतः अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के धर्म मंत्रालय की अधिसूचना में ख्या का.आ. 545(अ), दिनांक 25 जुलाई, 1985 में निम्न नियमित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, “(राज्य सरकार द्वारा धारा 4 के खण्ड (ध) के अधीन नामनिर्दिष्ट)” शीर्षक के नीचे मद् 9 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

श्री जी.सी. खोड़,
मन्त्रिव, आसाम सरकार,
धर्म और रोजगार विभाग,
गोदानी।

[संख्या यू-16012/7/85-एस.एस-1]

New Delhi, the 4th January, 1988

S.O. 168.—Whereas the State Government of Assam has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri G. C. Khound, Secretary to the Government of Assam, Labour & Employment Department, to represent that State on the Employees' State Insurance Corporation, in place of Shri B. M. Hazarika;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. No. 545(E), dated the 25th July, 1985, namely:—

In the said notification, under the heading “(Nominated by the State Government under clause (d) of section 4)”, for the entry against Serial Number 9, the following entry shall be substituted, namely:—

Shri G. C. Khound,
Secretary to the Government of Assam,
Labour & Employment Department,
Gauhati.

[No. U-16012/7/85 SS.I]

नई दिल्ली, 5 जनवरी, 1988

का.आ. 169.—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित स्थापन से सम्बद्ध नियोजक और कर्मचारियों की वहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध सम्बन्धित स्थापन को नाम किये जाने चाहिए :—

1. मैसर्स मामवालाम डिपार्टमेंटल टिप्पिन रूम, मामवालाम टेलीफोन एक्सचेंज, मद्रास-35।

2. मैसर्स गवर्नरमेट रीजनल प्रेस इम्प्लाइज को-ऑपरेटिव थ्रोफट एण्ड क्रेडिट मोसाहटी निमिटेड, एफ के-17 विधायिका चलम-606602, साऊथ अकार्ट जिला।

3. मैसर्स सोमायाजूल्लू, एण्ड कम्पनी, 156 थाम्बू चेट्टी स्ट्रीट, मद्रास-1 और इसकी 127 अंगारा नयकिन स्ट्रीट मद्रास-1 स्थित शाखा।

4. मैसर्स तमिलनाडु मैडिमिल प्लान्ट फार्मस एण्ड हरबल मैडिमिल कार्पोरेशन लि., अहरवाकम, मद्रास-106 और इसका 19 और 20 महाराजा नगर प्लायाकोटा ट्रैवनाली स्थित रिजिनल कार्यालय।

5. मैसर्स डिजाइन एण्ड ड्रॉफिटिंग एड्स कम्पनी न. 185 एस आई डी सी इंडस्ट्रियल स्टेट मद्रास-98 और इसका न. 53 पोन्डी बागार टी नगर मद्रास-17 स्थित रजिस्टर्ड कार्यालय।

6. मैसर्स प्रिया एमोसिएटिड प्राइवेट लिमिटेड न. 80 लाटीस ब्रिज रोड, अदयार मद्रास-20 और इसका नं. 4 सरदार पटेल रोड, अदयार मद्रास-20 स्थित प्रशासनिक कार्यालय।

7. मैसर्स विधा कैमीकल्स मुकन्द रायपुरम लालापैट और इसका 19 प्रियना मिस्ट्री स्ट्रीट पेरियामेट मद्रास-3 स्थित प्रशासनिक कार्यालय।

8. मैसर्स दिनेश एण्ड कम्पनी, मुकन्दपुरम लालापैट और इसका 19 प्रियना मिस्ट्री स्ट्रीट पेरियामेट मद्रास-3 स्थित कार्यालय।

9. मैसर्स अम्बिका कैमीकल्स मुकन्दपुरम रानीपट और इसकी प्रियना मिस्ट्री स्ट्रीट पेरियामेट मद्रास-3 स्थित शाखा।

10. मैसर्स कुमार एन्टर प्राइजिज नं. 4 एम एफ डबलप्लॉट (सीपट के पीछे) इंडस्ट्रियल स्टेट इकाडूथागल मद्रास-97 और इसकी फैब्रिक नं. 1 ए पांचवा ब्लान पांचवी स्ट्रीट नन्दम एक्सटेशन मद्रास-35 स्थित शाखा।

11. मैसर्स सीलेंड इंडिनियर्स प्राइवेट लिमिटेड, 5 बोट कलब रोड, मद्रास-28 और इसकी (1) 93 डाक्टर महेश्वरी रोड, मरीन हाउस, बम्बई-9 (2) ई-38 रोड नं. 2 सरदार स्टेट बाजार रोड, वार्डोर-3 (3) 788 माउन्ट रोड, मद्रास-2 स्थित प्रशासनिक कार्यालय तथा शाखाएं।

अतः केन्द्रीय सरकार उक्त धारा नियम की धारा 1, की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करती है।

[संख्या एस-35019(58)/87-एस एस-2]

ए.के.भट्टाराई, अवर सचिव

New Delhi, the 5th January, 1988

S.O. 169.—Whereas it appears to the Central Government that the employees and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments, namely,

1. M/s. Mambalam Department Tiffin Room, Mambalam Telephone Exchange, Madras-35.
2. M/s. Government Regional Press Employees Co-operative Thrift and Credit Society Limited, F. K. 17, Vridhachalam-606602, South Arcot District.
3. M/s. Somayajulu and Company, 156, Thambu Chetty Street, Madras-1, including its branch at 127, Angabha Naicken Street, Madras-1.
4. M/s. Tamil Nadu Medicinal Plant Farms and Herbal Medicine Corporation Limited, Arumbakkam, Madras-106, and its Regional Office at 19 and 20, Maharnja Nagar, Pulayamkotta, Tirunelveli.
5. M/s. Design and Drafting Aids Company, No. 185, SIDCO Industrial Estate Madras-98 and its Registered Office at No. 53, Pandy Bazar, T. Nagar, Madras-17.
6. M/s. Puliya Associated Private Limited No. 80, Lattice Bridge Road, Adyar, Madras-26, and its Admin. Office at No. 4, Sardar Patel Road, Adyar, Madras-20.
7. M/s. Vidya Chemicals Mukundrayapuram, Lalapet, including its Admin. Office at 19, Perianna Maistry Street Perimet, Madras-3.
8. M/s. Dinesh and Company, Mukundrayapuram, Lalapet including its Office at No. 19, Perianna Maistry Street, Periamet, Madras-3.
9. M/s. Ambika Chemicals, Mukundrayapuram, Ranipet, including its branch at 19, Perianna Maistry Street, Periamet, Madras-3.
10. M/s. Kumar Enterprises, No. 4 MF. Developed Plot, (Belind Cioet) Industrial Estate, Ekkaduthangal Madras-97, including its Branch at Flat No. 1-A, 5th Block 5th Street, Nandanam Extension, Madras-35.
11. M/s. Sealand Engineers (Private) Limited, 5 Boat Club Road, Madras-28, including its Branches at (1) 93, Dr. Meleswari Road, Marine House, Bon Bay-9, (2) E. 38, Road, No. 2 Sardar Estate, Ajwa Road, Vadoora-3, (3) Office at 738, Mount Road, Madras-2.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[S. 35019(58)/87-SS-II]

A. K. BHATTARAI, Under Secy.

मई दिल्ली, 4 जनवरी, 1988

आदेश

का आ. 170.—स्थूनतम भगदूरी अधिनियम, 1948 (1948 का 11) की धारा 22 वीं की उपधारा (1) के

खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम की धारा 22 के खण्ड (क) के अधीन सहायक श्रमायुक्त (केन्द्रीय) को अपने क्षेत्र में हुए अपराधों के संबंध में न्यायालय में शिकायतें भेजने की मंजूरी देने के लिए प्राधिकृत करती है।

[संख्या एस-32012/1/87-डब्ल्यू.सी. (एम.डब्ल्यू)]

ए.के. लूपरा, निदेशक

New Delhi, the 4th January, 1988

ORDER

S.O. 170.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 22B of the Minimum Wages Act 1948 (11 of 1948), the Central Government hereby authorises the Assistant Labour Commissioner (Central) to sanction the making of complaints in Court in respect of offences under clause (a) of section 22 of the said Act in his area.

[No. S-32012/1/87-WC(MW)]

A. K. LUTHRA, Director.

का.आ. 171 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतात्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-87 को प्राप्त हुआ था।

S.O. 171.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on the 17th December, 1987.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 42/85

In the matter of dispute between :

Shri Lalit Mohan Agarwal S/o Shri Ram Charan Dass, r/o 20/5, Shakti Nagar, Delhi.

Versus

The Assistant General Manager, Central Bank of India, Link House, 4 Bahadur Shah Zafar Marg, New Delhi.

APPEARANCES :

Shri D. D. Kapoor—for the Management.
Workman in person.

AWARD

The Central Government in the Ministry of Labour vide its notification No. L-12012/43/85-D.I.A, dated 9-9-85 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Bank of India in terminating the services of Shri Lalit Mohan Agarwal with effect from 19-1-84 is justified? If not, to what relief is the workman concerned entitled?"

2. The Central Bank of India (hereinafter referred to as the Management) invited applications for different posts vide circular No. 4 dated 6-5-68 including posts of clerks out of which 25 per cent vacancies were to be filled from the reserve category of sons and daughters of employees who had put in 15 years uninterrupted service in the bank. Shri Lalit Mohan Aggarwal (hereinafter referred to as the Workman) applied for one of the posts of clerks in the reserve category as he was the son of Shri Ram Charan Dass who had completed more than 15 years of service with the Bank. A written test was conducted and the workman was selected and appointed on 8-4-70 as a temporary Relieving Clerk and he was confirmed on 12-7-71. On 18-12-75 the following charge sheet was served upon the workman :

"Dept. MKU/75/No. 1286 Dated 18th December, 1975.

CHARGE SHEET

Mr. Lalit Mohan Aggarwal is informed that his explanations dated 2nd September, 1975 and 1st November, 1975, in reply to Chandni Chowk office memos No. Estt. 75/8/933 dated 23-8-75 and Estt. 75/10/1239 dated 10-10-75 have been found unsatisfactory and as such the following charges are levelled against him.

1. That Mr. Lalit Mohan Aggarwal tampered and/or arranged to get the original certificate of the Punjab University tampered and submitted a false certificate to the Bank for the purpose of securing a job. According to the true copy of the original certificate submitted by him, he is said to have secured 84 marks in English out of 150 marks, whereas in fact as per the letter received from the Registrar, Punjab University the correct marks secured by him are 64. It has also been similarly mentioned that he secured 82 marks in Mathematics out of 150, whereas in fact he secured 52. Similarly in Physiology and Hygiene he secured 23+2 marks whereas in the copy of the original certificate submitted by him it is mentioned that he secured 23/27 marks. The total marks in the certificate furnished by him are 439, whereas in fact he has secured only 339 and he has falsely mentioned the total marks obtained by him as 439 in his original application as well. As this act constitutes a gross misconduct and amounts to an act prejudicial to the interest of the Bank under para 19.5(i) of the Bipartite Settlement, an enquiry will be held against Mr. Lalit Mohan Aggarwal on 8-1-1975 at Chandni Chowk Office at 10.30 a.m. by Shri R. S. Darbari, Enquiry Officer. The enquiry proceedings will continue till they are concluded subject to inevitable circumstances when the proceedings be adjourned to some other date,

Mr. Lalit Mohan Aggarwal is hereby required to be present at the appointed date, time and place. He should be ready with witnesses and other documents he intends to produce in the case for the purpose of his defence. He is only entitled to examine the documents and to cross examine the witnesses produced by the management to prove the charge against him.

Mr. Agarwal is allowed to be represented by a representative of the registered trade union of Bank employees on the express undertaking that allowing such a representative does not mean that the Management recognises Union or Association of the employees.

In case Mr. Agarwal fails to present himself or abstains from participating in the enquiry on the aforesaid date or adjourned dates from time to time during the enquiry proceedings the enquiry shall be completed ex parte in his absence and decided accordingly.

Sd./- Zonal Manager."

A domestic enquiry was conducted and the Enquiry Officer submitted his report on 9-11-83 finding the charge against the workman proved and proposing the punishment of discharge from bank service. The operative portion of the enquiry report reads as under :

"In view of the above, my finding is that the charges levelled against Shri Lalit Mohan Aggarwal vide charge sheet dated 18th December, 1975 have been already established against him and constitute gross misconduct under para 19.5(i) of Bipartite settlement and propose to award the punishment

of Discharge from Banks service under clause No. 19.6(e) of Bipartite settlement. In case the CSE has to make any submissions he may do so within ten days in writing and to appear personally on 21st November, 1983 for personal hearing. In case the E.O. does not receive the submission within the period stipulated or the CSE does not appear on 21st November, 1983 at 10.30 AM at Regional Office, New Delhi, it will be construed that he has no submission to make against the above proposed punishment, the E.O. will pass necessary final orders."

The enquiry officer gave a personal hearing to the workman and recorded the following order on 6-1-84 :

"Shri Lalit Mohan Aggarwal appeared before me on 16-12-83 for personal hearing in respect of punishment proposed to him vide my order dated 9-11-1983 read with my subsequent communication to him vide confidential letter dated 12-12-1983.

Shri Aggarwal made his submissions which were duly recorded on 16-12-1983 and I have considered the same. The previous submissions dated 7-12-1983 forwarded by Shri Aggarwal to me have already been dealt with in my above referred confidential communication dated 12-12-1983 wherein it was made clear that the said representation dealing with procedural/technical objections etc. cannot be considered at this stage for personal hearing with regard to quantum of proposed punishment.

After careful consideration of the matter I do not find any reasons to alter proposed punishment of discharge from service vide my findings/Enquiry Report dated 9-11-1983 looking to the gravity of lapses proved against Shri Aggarwal in the departmental inquiry.

Therefore, I hereby confirm and award the punishment of 'discharge from service' to Shri Lalit Mohan Aggarwal in terms of para 19.6(e) of the Bipartite Settlement."

3. An appeal filed by the workman was rejected by the Appellate Authority vide his order dated 26-5-84. The services of the workman were terminated vide order dated 17-1-1984.

4. The workman has challenged the order of his termination on various grounds mentioned in the statement of claim. In short his case is that the entire charge against him is frivolous baseless and motivated; that in order to be eligible in the reserve category of sons and daughters of employees, no minimum percentage of marks was necessary and there could not be any motive for him to inflate the percentage of marks obtained by him. In the matriculation examination; that he had no knowledge if the matriculation certificate received by him from the Punjab University was forged one and under a bona fide belief that it was a genuine he submitted the same with the Management and he did not tamper the marks for the purpose of gaining service with the bank as he was otherwise entitled to get the service without any alteration in the marks of the certificate; that the charge against him is not proved and the enquiry officer has based his findings on inadmissible evidence and on conjectures and his findings are perverse, that there has been inordinate delay in the conduct of the enquiry and in fact he was under the impression that the enquiry had been dropped but after a lapse of number of years the enquiry was re-opened simply to take revenge against his father who was suspended in the year 1978 and dismissed in June, 1979 but reinstated in September, 1979; that the order of punishment has been passed by the enquiry officer himself which violates provisions of the Third Bipartite Settlement dated 31-10-1979; and that the para 19.5 of the Bipartite Settlement under which the order of termination has been passed is not attracted and the entire charge is misconceived and the order of punishment is illegal and invalid.

5. The Management has controverted the claim and allegations of the workman and asserted that the order of termination of workman is legal and valid having been passed after holding a fair and proper domestic enquiry and by following the principles of natural justice. It has been pleaded that the workman had secured employment in the bank by production of a forged certificate which showed that he had secured 439 marks whereas in fact he had secured 339 marks and had the marks not been inflated he would not

have been given the appointment. This act of the workman constituted gross misconduct and amounted to an act prejudicial to the interest of the bank under para 19.5(j) of the Bipartite Settlement. It was further submitted that as per the Bipartite Settlement and as per the Disciplinary action procedure prevailing at the relevant time Enquiry Officer was fully empowered to award punishment to the workman. It was submitted that the original certificate was never taken in the Bank's record and only copies of the certificates are taken from the employees for the purposes of banks record and that the workman has made a false story that he had handed over the original certificate to Shri R. K. Garg, the then Accountant of Chandni Chowk Branch of the Bank.

6. On a consideration of the entire facts and circumstances of this case the evidence brought on record and the submissions made by the representative of the parties I am of the opinion that the action of the Management in terminating the services of the workman was wholly unjustified for the reasons given in the following paragraphs.

7. In the first instance the charge itself was frivolous and based on insufficient evidence. According to the Management itself the original certificate which is alleged to have been forged was never seen by the Management. According to the workman he had handed over the original certificate to one Shri R. K. Garg Accounts Officer of the Chandni Chowk Branch of the Bank. The Management has taken the stand that it is not the practice of the bank to retain the original certificates and only authenticated copies of the certificates are retained for the purpose of banks records. It is pertinent to note here that the workman had been consistently informing the Management that the original certificate as supplied to him by the University had been submitted by him to Shri R. K. Garg, Accounts Officer. He had informed the Management in this manner even before the charge sheet was served upon the workman. It was, therefore, incumbent upon the Management to ascertain the whereabouts of the original certificate which was alleged to have been forged before proceeding further, and it made no effort even to ascertain from Shri R. K. Garg that whether or not the original certificate had been handed over to him as claimed by the workman. Even during the enquiry proceedings the workman had insisted that the original certificate which he alleged to have have handed over to Shri R. K. Garg may be produced. In the enquiry proceedings held on 12-7-76 the enquiry officer has himself observed that the production of the original certificate was material as the contention of the workman that he had repeatedly required from May, 1973 to November, 1975 that he can only submit his explanation as called for in various memos of the bank if he is provided with the original matriculation certificate which was in the custody of the Management, had some force and accordingly he requested the Branch Representative to produce the original certificate in one week time. However on the adjourned hearing on 4-8-76 the Branch Representative informed that the workman had at no time produced the original certificate and then the enquiry officer made some sault and observed that since the Branch Representative had in clear terms mentioned that the original certificate was not produced by the workman, now it was for the workman to produce his evidence to substantiate his contention that he had produced the original certificate. The statement made by the Branch Representative could not be taken as gospel truth and it was the duty of the enquiry officer to ascertain the truth and by calling upon Shri R. K. Garg, Accounts Officer to whom the workman had been claiming that he had handed over the original certificate. In the enquiry report dated 9-11-83 the enquiry officer has further observed that he had directed in the proceeding dated 4-8-76 that the onus lay on the workman to refute the allegations of the charge sheet and the workman was at full liberty to ask Punjab University to prove his contention. This is wholly wrong view taken by the Enquiry Officer because the onus is always on the prosecution to prove its charge and it could not be shifted on to the accused by calling upon him to prove his innocence. It may further be noted that the copy of the certificate on which reliance has been placed by the Management had been attested by a responsible officer of the bank and the presumption is that the officer had seen the original before attesting the copy and in that event the contention of the Management that the original had not been produced at all by the workman is untenable. Although it has not been fully proved that it is not the practice of the bank to keep the original certificates and that its only practice is to keep

authenticated copies of the certificates, surely the Bank before accepting the copies would be satisfying itself by looking at the originals, otherwise there is something wrong with the practices of the Bank. In fact even till date it is not certain whether the photo copy of the certificate which has been relied upon by the Management is of a forged certificate because no effort has been made in this direction either by getting the photo copy examined by an expert or by showing the same to the Punjab University which is purported to have issued the original. The Management has placed reliance on a letter received by it from Punjab University in reply to its enquiry to the effect that the workman had obtained 339 marks in an examination held in March, 1969. However, Punjab University has not been asked as to whether they had issued the certificate which showed the workman to have obtained 439 marks and is alleged to be the forged certificate. The possibility that the mistake may have been committed by the University in issuing a wrong certificate cannot be ruled out. The fact that such errors are committed by the Universities is a matter of common knowledge. The workman has placed on record the photo copies of news item marked Ex. W-1 which shows that in a certificate issued by University of Delhi a candidate had been awarded 60 marks whereas maximum marks of that paper were 50. Similarly in another photo copy Ex. W-2 of a complaint published in Hindustan Times dated 6-4-87 the father of the candidate complained of the issue of a faulty certificate by the Central Board of Secondary Education as it did not mention the date of birth of his son whereas in the Provisional Certificate the date had been given. There is not an iota of evidence to prove that it is the workman who had committed forgery or had conspired in committing the forgery. In fact, there is glaring mistake in the Marksheets dt. 6-4-83 supplied by the Punjab University on the basis of which it was alleged that the workman had in fact got 339 marks as against 439 mentioned in the photo copy of the original certificate submitted by the workman. The said letter dt. 6-4-83 gives the following detailed marks :

English	64 150
Maths	52 150
Social Studies	57 150
Hindi	89 150
Physiology	23)
& Hygiene	02)
	150
Animal Husbandry	77 150
	339 900

However, the total marks work up to 364 and not 339. Therefore, the marks 339 shown in figures twice and in words once in Punjab University letter itself are wrong, and therefore, the very foundation of the charge against the workman is wrong. Hence there was no legal evidence at all to frame a charge sheet against the workman, and therefore, the entire subsequent proceedings of the Management are vitiated.

8. The charge dated 18-12-75 has been framed under para 19.5(j) of the Bipartite Settlement by holding that the act of the workman constituted a gross mis-conduct and amounted to an act prejudicial to the interest of the Bank. The Enquiry Officer has awarded punishment also by invoking the provisions of para 19.5 (j) of the Bipartite Settlement in his order dated 9-11-83. In this regard in the authority cited as Hansla Prasad Pandey V. Bank of India and others. Calcutta High Court reported in II L.L.N. page 525 it was held as under :

"Age—False declaration of age at the time of appointment—Bank employee—Dismissal—Bipartite settlement, Sub-cl. (j) of Cl. 19.5—False declaration of age and false declaration by petitioner-employee that a person is his adopted son and getting job in the bank for such adopted son under 'Concessions Rules'—Such acts of employee, held, will not amount to prejudicial acts as contemplated by Sub-cl. (j) of Cl. 19.5 of Bipartite settlement—Employee, held, should have been given assistance of a lawyer in the domestic enquiry as asked for by

him—Refusal of assistance of lawyer in departmental enquiry where question of law is involved results in violation of principles of natural justice. Legality of adoption is a matter to be left for a decision to a Civil Court-Order of dismissal quashed :

The petitioner, a bank employee, was discharged under sub-cl. (j) of Cl. 19.5 of bipartite settlement between bank and its employees and was dismissed after a departmental enquiry for false declaration of his age at the time of his appointment in the bank and for false stating a person to be his adopted son and getting his appointment in the bank under the "Concession Rules" which provided that a son or a daughter of a subordinate staff would get preference in the matter of appointment in the bank. The employee challenged his dismissal in the instant writ petition.

Held : It is obvious that while defining "gross misconduct" in the memoranda of bipartite settlement the management was more concerned about maintaining discipline in the bank and situations like the present one were not at all visualised. False declaration of age at the time of appointment and false declaration made by an employee that a person was his adopted son, in order of secure an employment for the said person do not *prima facie* amount to prejudicial acts as contemplated by Sub-cl. (j) of Cl. 19.5 of the bipartite settlement. Undoubtedly, the bank authorities could proceed criminally against the petitioner for making such false declarations, but for such acts the petitioner could not be charged with gross misconduct within the meaning of Cl. 19.5 of the bipartite settlement.

Everything which is required to be prescribed has to be prescribed with precision and no argument can be entertained that something not prescribed can yet be taken into account as varying what is prescribed. In short, it cannot be left to the vagaries of the management to say *ex post facto* that some acts of commission or omission now here found to be enumerated in the relevant Standing Order, is nonetheless a misconduct. It could not be argued that something not prescribed in Sub-cl. (j) could yet be taken into account as varying what is prescribed. The acts complained of against the petitioner in the charge-sheet do not strictly amount to misconduct".

9. The facts of the present dispute are similar to the facts of the above mentioned reported case. Even if it was assumed that the workman had submitted a false certificate or made a false declaration regarding the marks obtained by him (although he had no reason to submit any false certificate or to make any such false declaration as shall be shown presently), the act of the workman could not amount to gross-misconduct or to prejudicial acts as contemplated under para 19.5(j) of the bipartite settlement. For this reason also the charge framed against the workman was totally misconceived and liable to be quashed.

10. In any criminal charge, as in the present case, the intention of the accused is of crucial importance. In the case in hand the workman had hardly anything to gain by producing a forged certificate to show inflated marks. In the circular No. 4 dated 6-5-68 issued by the Management for recruitment of staff the minimum qualification for reserve category of sons and daughters of employees has been prescribed as Matriculation with English and Mathematics and there is no reference to any percentage of marks obtained. In other words it would not have mattered at all whether the workman had obtained 339 marks or 439 marks because it is not disputed that he had passed the Matriculation examination with English and Mathematics. Therefore, the plea of the Management now taken in the written statement that the workman had submitted forged certificate in order to obtain employment and had he not shown inflated marks he would not have been taken into service, is untenable and is an after thought. No such mention was ever made in the charge sheet dated 18-12-75. In fact the Appellate Authority in its order dated 26-5-84 has itself observed as under :

"(11) Now coming to the fourth and last findings of the Enquiry Officer in which it is asserted by the Appellant that motives have been attributed to him for having tampered with the certificate to gain

employment in the Bank. A very strenuous effort has been made that since the appellant was otherwise eligible to gain employment in the bank by virtue of being son of a staff member and hence there was no motive attributable to him for tampering with the marks and submitting a false certificate. In this regard, I cannot comment as to what was the motive of the appellant in inflating the marks."

It is therefore, strange that even the Appellate Authority who could not understand the motive of the workman in inflating the marks should have still thought it fit to confirm the findings of the Enquiry Officer, and also the punishment awarded to the workman. Once the appellate authority thought that it was a motiveless act on the part of the workman, the only course for him should have been to throw away the charge and the enquiry lock, stock and barrel.

11. There has been inordinate delay in concluding the enquiry proceedings for which there is no explanation available on the part of Management, and this has definitely resulted in causing prejudice to the workman. The alleged forgery was detected as far back as June, 1983 when the show cause notice dated 13-6-73 was served upon the workman and the enquiry was concluded only on 9-11-83 when the enquiry officer submitted his report. During the period between 14-7-77 and 19-2-81 no hearing at all took place in the enquiry and this shows the casual and callous manner in which the Management has proceeded in this case. If the workman had been thrown out of service in 1973 when the alleged forgery was detected he was young and might have found alternative employment. To throw out a man after 11 years of service and after 10 years of detecting the alleged offence, borders on cruelty and must be held to have caused extreme prejudice to the workman. Even the Appellate Authority in his order dated 26-5-84 observed as under :

"12. The appellant has also raised a plea that the enquiry is vitiated on account of inordinate delay. While it is a sad commentary that disciplinary action should take so long a period for conclusion, I, however, disagree with the appellant that the enquiry is invalidated and vitiated on the plea of delay only".

12. This inordinate delay in concluding the enquiry, itself is sufficient to throw out the entire proceedings against the workman.

13. In this case the Enquiry Officer has acted both as a Judge and the punishing authority. The Disciplinary Authority no doubt could itself conduct the enquiry and impose punishment on the delinquent employee, yet by 9-11-83 when the enquiry officer submitted his report and proposed the punishment of discharge and when on 6-1-84 the same Enquiry Officer imposed the punishment of discharge from service on the workman, the rules had undergone a change in as much as the Enquiry had to be conducted by different person and the Enquiry Officer could neither propose the punishment nor impose the punishment. The Management has acknowledged this change in the rules in its circular No. CO|PRS|GM|80|429 dated 31-10-80 copy of which is Ex. W-3 wherein the following instructions were issued :

"8. *** *** ***

In the past, the Enquiry Officer himself had to fix the quantum of punishment and this work has now been entrusted to Disciplinary Authority. The Disciplinary Authority after being given the findings as well as the enquiry proceedings, should not find any difficulty in quickly, within a maximum period of 15 days, arriving at a decision about the quantum of punishment to be inflicted and should pass the orders accordingly.

14. The Enquiry Officer ought to have taken note of the change in the rules and refrained from proposing and imposing the punishment and should simply have submitted his report to the next higher authority.

15. The entire enquiry proceedings and the enquiry report go to show that the Enquiry Officer has acted with a pre-determined mind and in a perverse manner. One such fact has already been noted earlier with regard to the production and location of the original certificate. On page 7 of his enquiry report the Enquiry Officer has observed that "BR stated that there is no system of keeping original certificate in the files of the bank by the Management only a copy of the certificate is maintained in the bank records, therefore, the contention made by the defence that the original was given to the Management cannot be accepted" As can be understood 'BR' stands for Branch Representative and the Enquiry Officer has simply accepted whatever was stated by the Branch Representative as gospel truth. Again on page 8 the Enquiry Officer has observed "another misrepresentation by CSE about the year of passing shown in 1968 in Ex. B-7 instead of 1969 in Ex. B-6 and B-8." However there is no allegation in the charge that the workman had changed the year of passing of the matriculation examination from 1969 to 1968. This only goes to show the prejudiced mind of the Enquiry Officer. This observation of the Enquiry Officer also raises a doubt regarding the mark sheet supplied by the Punjab University showing 339 marks on the basis of which the charge against the workman is sought to be proved wherein the year of the examination is given as March, 1969. Again the photostat copy of the authenticated copy of the original certificate on which reliance has been placed by the Management shows the year 1969 only and not 1968. As the workman had possibly no motive in changing the year of passing of the examination from 1969 to 1968, and factually it is shown that the authenticated photo copy of the certificate bears the year 1969 the observation of the Enquiry Officer raises doubt regarding the correctness of the authenticated copy itself on which reliance is sought to be placed. Again on page 9 of his report the Enquiry Officer has observed as under:

"It is also noted that the basic alterations in marks has been suitably made with regard to English & Mathematics which were the specific subjects on which the Bank laid special emphasis of higher marks, the argument raised by the defence that the employee was otherwise eligible under reserved category of son of Bank's employee, is of no assistance to the defence since the fact remains that the employee made a misrepresentation to the Bank so as to gain employment and has thus acted without rectitude in order to enter Bank's service by submitting a false document."

This finding of the Enquiry Officer is perverse because the circular of the Management regarding employment issued on 6-5-68 nowhere lays down that the bank laid special emphasis on higher marks in English and Mathematics. As the workman satisfied the minimum qualifications of Matriculation with English and Mathematics, the observation of the Enquiry Officer that the workman had made misrepresentation to the bank so as to gain employment is misconceived and contrary to facts.

16. Since the charge itself is frivolous and not based on sufficient material, it will not serve any purpose to allow the Management to lead evidence to prove the said charge and hence the request of the Management is declined.

17. In view of the discussion made above, the order of termination of the service of the workman is set aside and it is directed that the workman shall be reinstated with continuity of service and with full back wages. The workman is also awarded costs of Rs. 1000 (Rupees one thousand only).

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

Dated : 23rd November, 1987

G. S. KALRA, Presiding Officer
[No. L-12012/43/85-D. II(A)]

का.आ. 172.—अौद्योगिक विवाद, अधिनियम, 1947

(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक बड़ोदा के प्रबंधतंत्र से सम्बद्ध नियोजकों

और उनके कर्मकारों के बीच, अनुबंध में निर्विट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आमतसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

S.O. 172.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the Bank of Baroda and their workmen, which was received by the Central Government.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, ASANSOL

Reference No. 1/85

PRESENT:

Shri G. P. Roy, Presiding Officer.

PARTIES:

Employers in relation to the management of Bank of Baroda, Patna.

AND

Their workman.

APPEARANCES:

For the Employers—Sri A. K. Samaiyar, Acting Manager.

For the Workman—Sri Basudeo Singh, concerned workman.

INDUSTRY: Bank.

STATE: Bihar.

Dated, the 30th November, 1987

AWARD

The Government of India in the Ministry of Labour, in exercise of the powers conferred on them U/s. 10(1)(d) of the Industrial Tribunal-cum-Labour Court No. 3, Dhanbad for adjudication under Order No. L-12012/162/84 D.IIA dated the 16th January, 1985. Subsequently by Order No. A-11020/61/82-CLT dated the 28th March, 1985 of the Ministry of Labour the said Tribunal namely Central Government Industrial Tribunal-cum-Labour Court No. 3, Dhanbad was shifted to Asansol and it started functioning as the Central Government Industrial Tribunal cum-Labour Court, Asansol. Consequently all the pending cases before the Central Government Industrial Tribunal-cum-Labour Court No. 3, Dhanbad became the subject matter of the Central Government Industrial Tribunal-cum-Labour Court, Asansol including the present case. Accordingly the final award in connection with this case is passed today by this Tribunal at Asansol.

SCHEDULE

"Whether the action of the management of Bank of Baroda in terminating the services of Sri Basudeo Singh, sub-staff Begusarai Branch with effect from 5-11-83 is justified? If not, to what relief is the workman concerned entitled?"

2. During the pendency of this Reference case, on 18th June, 1985 the management as well as the workman submitted a joint petition of compromise regarding the settlement of the dispute amicably by them out of Court. It was prayed by both the parties for acceptance of the compromise in full and final settlement of the dispute between the parties before the Tribunal. The representatives of both the parties have also prayed for making an award in this case as per the terms and conditions of the joint petition of compromise.

3. The terms of compromise appear to be legal, reasonable, fair and beneficial to the workman. Accordingly the terms of compromise are accepted.

4. The award is made accordingly in terms of the settlement and the terms of the settlement do form part of the award.

5. Requisite copies of the award along with terms of the settlement be sent to the Ministry.
 Dated, 30-11-1987.
 Encl. : Settlement.

G. P. ROY, Presiding Officer
 [No. L-12012/162/84-D.II(A)]
 N. K. VERMA, Desk Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 3 AT DHANBAD

Reference No. 1 of 1985

Sri Basudeo Singh.

Vs.

Management of Bank of Baroda with regard to wrongful termination of his service.

In the matter of proceedings before the above authority the Management of Bank of Baroda and Mr. Basudeo Singh jointly inform you that as Sri Basudeo Singh has been re-appointed in the Bank's service, the industrial dispute does not exist any more.

This appeal is being filed jointly with a request to the Learned Tribunal that in view of the foregoing no industrial dispute exists and the case may be treated as closed.

Sri Basudeo Singh,
 village and Post Office—Amba,
 Distt.—Begusarai, Bihar.

Dated : 18-6-85.

V. V. Asrani, Regional Manager
 Bank of Baroda,
 (Bihar Branches).

नई दिल्ली, 5 जनवरी, 1988

का.आ. 173—लौह अयस्क खान, मैगनीज अयस्क खान तथा लोम अयस्क खान अभियंता कल्याण निधि नियम, 1978 के नेत्रम 3 के उपनियम (2) के साथ पठित लौह अयस्क खान मैगनीज अयस्क खान तथा क्रोम अयस्क खान अभियंता कल्याण निधि अधिनियम, 1976 (1976 का 61) की धारा 3 द्वारा प्रदत्त शर्तयों का प्रयोग करते हुए, केन्द्रीय सरकार नियमित वयस्तयों को महाराष्ट्र राज्य की लौह अयस्क खान, मैगनीज अयस्क खान तथा क्रोम अयस्क खान अभियंता कल्याण निधि सलाहकार सभिति के सदस्य नियुक्त करती है—

1. श्री शिवराम सावन्त भोसले, विधायक,
 नृगंग व डाकघर सावन वाडी,
 जि.ा सिन्धु दुर्ग-416510
2. श्री इ.आर. पिल्लई,
 उप महाप्रबंधक,
 मैग रीज ओर (इंडिया) लि.,
 3, गाउन्ट रोड, एक्सटेंशन,
 नापुर।
3. श्री याम कुमार श्रीवास्तव,
 अध्यक्ष,
 न्यू इंडिया माइनिंग कारपोरेशन (प्रा.) लि., रेडी, जि.ा सिन्धु दुर्ग।

4. श्री जो.एस. खोडे,
 प्रेसीडेंट,
 राष्ट्रीय मैगनीज मजदूर संघ,
 नासी बिल्ला कम्पाउन्ड,
 कटोला रोड, नागपुर।
5. श्री शरद सावन्त,
 प्रेजीडेंट,
 सनली खान कामगार संगठन,
 इकाम व डाकघर रेडी,
 तालुक बेगुरला, जि.ा सिन्धु दुर्ग।
6. श्रीमती मालतीबाई रुहिकर,
 ट्रेड यूनियनिस्ट,
 तिरंगा चौक,
 सरबरदारा पुलिस स्टेशन के नजदीक,
 नागपुर।

और तारीख 20 फरवरी, 1982 को भारत के राजपत्र, भाग-II खंड 3, उपखंड (ii) में प्रकाशित भारत सरकार के श्री नंत्रालय की तारीख 2 फरवरी, 1982 की अधिसूचना संख्या का.आ. 717 में संशोधन करती है।

उक्त अधिसूचना में, क्रमांक 4 से 9 तथा उनसे संबंधित प्रशिक्षियों के स्थान पर नियमिति प्रतिस्थापित किया जाएगा, अर्थात् :—

4. श्री शिवराम सावन्त भोसले, विधायक, नृगंग व डाकघर सावनवाडी, जि.ा सिन्धु दुर्ग-416510	सदस्य
5. श्री इ.आर. पिल्लई, उप महाप्रबंधक, मैगनीज ओर (इंडिया) लि., 3, गाउन्ट रोड एक्सटेंशन, नागपुर।	नियोक्ता के प्रतिनिधि
6. श्री याम कुमार श्रीवास्तव, अध्यक्ष, न्यू इंडिया माइनिंग कारपोरेशन (प्रा.) लि., रेडी, जि.ा सिन्धु दुर्ग।	
7. श्री जो.एस. खोडे, प्रेजीडेंट, राष्ट्रीय मैगनीज मजदूर संघ, नासी बिल्ला कम्पाउन्ड, कटोला रोड, नागपुर।	कर्मकारों के प्रतिनिधि
8. श्री शरद सावन्त, प्रेसीडेंट, सनली खान कामगार संगठन, इकाम व डाकघर रेडी, तालुक बेगुरला जि.ा सिन्धु दुर्ग।	
9. श्रीमती मालतीबाई रुहिकर, ट्रेड यूनियनिस्ट, तिरंगा चौक, सरबरदारा पुलिस स्टेशन के नजदीक, नागपुर।	महिला प्रतिनिधि

[संख्या यू-19012/21/84-कल्याण-2 (सी)]

एस.एस.भस्त्रा, अवर सचिव

New

S.O. 173.—In exercise of the powers conferred by Section 5 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976) read with sub-rule (2) of rule 3 of Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Rules, 1978, the Central Government hereby appoints the following persons as members of the Advisory Committee of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund for the State of Maharashtra :—

1. Shri Shivram Sawant Bhosale, M.I.A., The Palace At & Post Sawantwadi, District Sindhudurg—416510.
2. Shri A.R. Pillai, Dy. General Manager, Manganese Ore (India) Ltd., 3, Mount Road Extension, Nagpur.
3. Shri Shyamkumar Srivastava, Chairman, New India Mining Corporation (Pvt.) Ltd., Redi, District Sindhudurg.
4. Shri G.M. Khode, President, Rashtriya Manganese Mazdoor Sangh, Nasi Billa Compound, Katol Road, Nagpur.
5. Shri Sharad Sawant, President, Manli Khan Kamgar Sanghatana, At & P.O. Redi, Taluka Vengurla, District Sindhudurg.
6. Smt. Maltibai Ruikar, Trade Unionist, Tiranga Chowk, Near Sakhardara Police Station, Nagpur.

and hereby amends the notification of the Government of India in the Ministry of Labour No. S.O. 717 dated the 2nd February, 1982 published in the Gazette of India, Part I, Section 3, Sub-section (ii) dated the 20th February, 1982.

In the said notification, for Serial No. 4 to 9 and entries relating thereto, the following shall respectively be substituted namely :—

<p>“4. Shri Shivram Sawant Bhosale, Member M.I.A., The Palace At & Post Sawantwadi, District Sindhudurg—416510.</p>	<p>Employers' Representatives</p>
<p>5. Shri A.R. Pillai, Dy. General Manager, Manganese Ore (India) Ltd., 3, Mount Road Extension, Nagpur.</p>	
<p>6. Shri Shyamkumar Srivastava, Chairman, New India Mining Corporation (Pvt.) Ltd., Redi, Distt. Sindhudurg.</p>	

<p>7. Shri G.M. Khode, President, Rashtriya Manganese Mazdoor Sangh, Nasi Billa Compound, Katol Road, Nagpur.</p>	<p>Employees' Representatives</p>
<p>8. Shri Sharad Sawant, President, Manli Khan Kamgar Sanghatana, At & Post Redi, Taluka Vengurla, District Sindhudurg.</p>	
<p>9. Smt. Maltibai Ruikar, Trade Unionist, Tiranga Chowk, Near Sakhardara Police Station, Nagpur.</p>	

[No. U-19012/21/84-W.II(C)]

S.S. BHALLA, Under Secy.

नई दिल्ली, 5 जनवरी, 1988

का. आ. 174.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व डी.वी.सी. बरमो कॉलियरी, डाक. बरमो जि. गिरीडिह के प्रबन्धतांक से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पेंचपाट को प्रकाशित करता है जो केन्द्रीय सरकार को 23-12-87 को प्राप्त हुआ था।

New Delhi, the 5th January, 1988

S.O. 174.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of D.V.C. Bermo Colliery, P.O. Bermo, Distt. Giridih and their workmen, which was received by the Central Government on the 23rd Dec., 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

Reference No. 175 of 1985

In the matter of Industrial disputes under Section 10(1) (d) of the I. D. Act., 1947.

PARTIES :

**Employers in relation to the management of
D. V. C. Colliery, P. O. Bermo, Dist.
Giridih and their workmen.**

APPEARANCES :

**On behalf of the workmen :—Shri J. P. Singh,
Advocate.**

**On behalf of the employers :—Shri R. S.
Murthy, Advocate.**

STATES :

Bihar.

INDUSTRY:

Coal.

Dated, Dhanbad, the 14th Dec., 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1) (d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. 24012(34)185-D.IV(B), dated the 12th December, 1985.

THE SCHEDULE

"Whether the action of the management of D. V. C. Bermo Colliery, P. O. Bermo, District Giridih in denying promotion in Grade-I to S|Sh. N. K. Sinha 2) Balram Prasad 3) Sita Ram Prasad 4) N. K. Das 5) R. S. Singh 6) R. N. Dubey, 7) R. N. Upadhyaya and 8) Smt. K. Dutta when they have been working as teachers since 9-2-73 etc. in Gr. II is legal and justified? If not, to what relief are the concerned workmen entitled?"

The case of the workmen is that the management of Damodar Valley Corporation colliery (hereinafter referred to as D. V. C. Colliery for brevity) had opened a middle school a Welfare Measure in the colliery premises for the proper education of the children of the workmen of the colliery. The management and control of of the said school was under the Coal Supdt. an Agent of D. V. C. Bermo colliery. The concerned teachers were appointed in the year 1972 and on subsequent date as teachers in the said middle school in response to the advertisement issued with effect from time to time. The concerned teachers are trained graduates. The Coal Wage Board recommendation of 1967 gave particular grade of wages for teachers in the schools attached to the colliery according to their qualification such as Matric trained, I. A. Trained and graduate trained. The concerned teachers were not given the scale of graduate, trained teachers inspite of their qualification on the plea that the minimum qualification for the teachers is matric trained. The concerned teachers made several representations before the management for allowing them suitable grade of pay. Their union D. V. C. Karamchari Sangh also represented their case before the management for giving proper scale of trained graduate to the concerned, teachers. Due to the adamant attitude of the management, the concerned teachers remained in the scale of Grade-II ever since their appointment as teachers in the middle school and thus the concerned teachers, were denied the advantage of heigher grade scale allowed to the teachers of the colliery under N.C.W.A. I, II and III. The D. V. C. Karamchari Sangh which is the union of the concerned, teachers raised an industrial dispute for allowing grade scale of pay to the concerned, teachers with effect from the date of their appointment by virtue of their qualification as trained graduate. The ALC(C) Hazaribagh started conciliation proceeding but the same failed and therefore the present reference has been made. During the conciliation proceeding the management took a plea that the concerned, teachers working as teachers were not workmen of the colliery although

in a case reported in 1979 LI II page 84, it was decided that teachers in a school run, by a factory where they were given all benefits which were given to the other employees of the factories must be held to be workmen of the factory. The said plea of the management is repugnant to the benefits given to the teachers in the Coal Wage Board Recommendation and subsequent NOWAs. Subsequent to the raising of the dispute, the status of the middle school has been raised to that of a high school with the result that these concerned teachers being now teachers of the high school, have been given Grade-I benefits, by virtue of, of their qualification as trained graduate. This action of the management supports the case of the management that by their sheer qualification as graduate trained teachers they should have been initially appointed in the middle school in Grade-I scale. The management cannot now say that since the demand of the concerned, teachers to Grade-I scale has been concerned the present reference has become infructuous. The point still remains to be decided as to whether by virtue of their being graduate trained teachers eversince their appointment in the middle school, they should have been given Grade-I scale on the strength of their qualification as envisaged in the Coal Wage Board Recommendation and subsequent NOWA's. On the above facts it is prayed that the concerned, teachers should be allowed Grade-I from the date of their initial appointment in the middle school and all their dues be paid.

The case of the management is that the reference is bad in law, not maintainable and without jurisdiction. The educational institution in which the concerned persons are employed as, teachers is not an industrial establishment and as such there cannot be any industrial dispute with regard to the teachers employed in an educational institution. The educational institution in question does not fall within the jurisdiction of the Central Govt. as it does not form part of a mine nor it is located in the premises of a mine. The Central Govt. is therefore not the appropriate Govt. under the Industrial dispute. The teachers are not "workmen" within the meaning of Section 2(s) of the I. D. Act, and therefore there can be no industrial dispute with regard to such teachers.

The management had established a middle school in the year 1973 near the township called New Colony situated near Bermo. The Children receiving education in the said school also include a large number of others who are not children of employees of the management. The said school does not provide educational facilities exclusively to the children of workmen of D. V. C. colliery. The middle school was recognised by the Govt. of Bihar and it, computes with the rules and regulation laid down by the educational department of, Govt. of Bihar in the matter of imparting education to the children and connected matters. The teachers employed in the school enjoy leave and holidays as admissible to the teachers of the other recognised schools of Govt. of Bihar. The educational department of the Govt. of Bihar vide their letter dt. 19-1-1957 had laid down the qualifications to be possessed by the teachers in the schools and recognised by the Govt. of Bihar

and the said letter is still in force. For the provision of educational facilities to the students in the school the management appointed teachers from time to time. Previously the headmaster of school of the school was Shri Lal Mohan Lal who was a B. A. trained teacher. He resigned in 1976 and joined another school. Thereafter Shri N. K. Sinha was promoted as Headmaster and was placed in Grade-I all other teachers except Smt. Anuha Dey was placed in Grade-II, Smt. Anuha Dey was placed in Grade III, she as was a matriculate untrained teacher. When the teachers in question were appointed, specific pay scale and grades were offered to them and the same were accepted by them. It was also specifically stipulated that the actual requirement of the management was for a matriculate trained teacher and that the management would be taking service from those teachers to the extent of their requirement of middle trained teachers only and that because of any higher educational qualification possessed by them they would not claim any higher pay scale in future. The said condition constituted. The express contract of services between the management and the teachers concerned and they are legally estopped from making the present demand. It was open to the concerned teachers to seek better prospects elsewhere commensurate with their qualification if they feel that they can get higher grade. In the letter of the education department of the Govt. of Bihar dt. 19-1-57 it was stated that if a teacher in the middle school other than the headmaster acquires a qualification of trained graduate he should seek employment in any higher school but if he chooses to continue to be employed in the middle school, he will not be entitled to any scale of pay higher than what is admissible to trained I. A. I. A. C. Balram Singh one of the concerned teacher died in the year 1984 and no demand can be made with respect to him. The middle school was elevated to the status of a high school in 1985 and there was requirement of some graduate trained teachers in high school. Keeping this requirement in view, the management made a selection from amongst the graduate trained teacher already working in the middle school through a departmental promotion committee on the basis of seniority-cum-merit and Smt. Shree Sitaram Pd., N. K. Das, R. S. Singh, R. N. Dubey and Smt. K. Dutta were promoted to Grade-I with effect from March, 1985. The present demand of the teachers and their union is the result of an after thought and is without any basis. The management have a number of employees possessing such higher educational qualification and if the demand of the concerned teachers are allowed others also will start demanding higher scale of grade regardless of the requirement of the management or existence of vacancies or not. This would generate widespread unrest and disturb industrial harmony. If the demand of the concerned teachers are entertained it would amount to a discrimination between the teacher covered by the reference order and other graduate trained teachers as for performing the same or similar duty they will be getting a lower remuneration. It is submitted on behalf of the management that the concerned teachers are not entitled to promotion to Grade-I with effect from 9-2-73 excepting those already promoted in April, 1985 and the management's

action in not promoting them to Grade-I from the said date is quite justified.

The points for decision are whether (1) the concerned teachers are workmen under Section 2(s) of the I.D. Act, (2) whether the school in which the concerned teachers were employed was an industrial establishment (3) whether the school will be covered under definition of a mine and (4) whether the concerned teachers were entitled to Grade-I from the date they started working as teacher in the M. E. School of D. V. C. Bermo Mine.

The management examined one witness. The concerned teachers did not examine any witness. The concerned teachers, however, produced some documents which were marked as Ext. W-1 to W-5 on formal proof dispensed with. The management's document have been marked Ext. M-1 to M-33 on admission.

I will first take up points No. 1 and 2 enumerated above.

Point No. 1

The management have raised an objection that a school teacher is not a workman within the meaning of Section 2(s) of the I.D. Act and as such the dispute raised on their behalf cannot be decided by this Tribunal. This question therefore has become very vital for the decision of the present reference. The concerned teachers have referred to a decision reported in 1979 LIC page-84 in para-15 of their W. S. to show that the teachers in the school run by a factory where they were given all benefits which were given to other employees of the factories must be held to be workmen of the factory. The management, on the other hand, has referred to a decision reported in 1983 Lab I.C. page 1852. I will now refer to the decision made in 1983 LIC 1852 which has also considered the decision made in 1979 LIC N.O.C. 147 which has been referred in para-15 of the W.S. of the workmen. This is a division bench case of the Kerala High Court arising out of an appeal from the judgement of Mr. Justice Khalid reported in 1982 (1) L.L.J. page 455. Their Lordships have discussed the point in 1983 LIC or the question whether teachers are workmen or not within Section 2(s) of the I.D. Act. Their Lordships have elaborately dealt with the point from various angles discussing the reported case from 1913 on the point. I cannot discuss the matter on a footing better than what has been done by their Lordships in said decision. The discussion of the point will be more repetition in clumsy manner what their Lordships have discussed in a lucid manner. I therefore do not propose to discuss the various reasons which were considered by their Lordships in coming to the conclusion that the teachers are not workmen within section 2(s) of the I.D. Act since the work of teaching is not skilled or unskilled manual work. I will just quote the first of the decision of their Lordships. In para-24 of the decision their Lordships held the following --

"On a review of the work of teachers with reference to the principles emerging from the decided cases, we are inclined to agree that the work of teachers is not manual not in the restricted sense in which that term was

understood in the decisions under appeal, but even in the wider sense of comprehending work of predominantly physical exertions. There may, of course, be difference in the degree of physical exertion that is involved in teaching, just as much as there are such differences in the degree of intellectual exertions in the different stages of education, viz. pre-primary or kindergarten, elementary or primary school, secondary school, collegiate, postgraduate and research levels. However, it cannot be held that at any stage of education, the work of teaching is principally and predominantly physical exertion even in the larger sense of the terms."

Then their Lordships stated in para-27 of the decision as follows :—

"The physical part of teaching is the oral instruction accompanied perhaps by visual representations, the correction of written work, maintenance of records relating to them etc. The physical or manual exertions are only accessory and incidental to the process of imparting knowledge which is predominantly an activity of the intellect. We cannot hold that the act of teaching is a mechanical and repetitive physical exercise rather than a process involving exercise of the intellectual and creative faculty of the individual teacher."

Their Lordships in para-27 further stated :—

"It may perhaps be a natural corollary that those employed in education, which is an industry, should be treated as workmen. But this can be only if the statutory definition permits it. To hold that teachers are workmen as defined in Section 2(s) of the I.D. Act as persons employed to do skilled or unskilled manual work is far cry therefrom."

In para-19 of the said decision their Lordships have discussed the case of Madras High Court reported in 1979, LIC NOC 147 (M.D. Sigmani-vrs-Labour Court) and some other cases. Their Lordships have stated in para-20 of the judgement that there is no discussion in the said case as to whether teachers fall within the definition of Section 2(s) of the I.D. Act on the basis of the nature of their work performed by them being manual, clerical, technical or supervisory. Their Lordships concluded after discussion the judgement reported in 1979 LIC that the said decision does not render any assistance to decide as to whether a teacher is a workman as defined in Section 2(s) of the I.D. Act in the sense of a person employed in an industry to do skilled or unskilled manual work. In view of the above the case reported in 1979 cannot be a just guide for decision on the point whether a teacher is workman or not.

His Lordships while deciding the case in 1982 (1) LLJ held that simply because education is declared to be an industry it does not automatically follow that teachers working in a school are workmen. The question whether teachers are workmen under the I.D. Act or not will have to be considered in the light of the definition of workman in Section 2(s) of the I.D. Act. His Lordships further held that it is the nature of the work that decides whether a person is a workman under the Act or not. The concerned teachers have led no evidence to show as to what is the nature of their work. It will appear from their W.S. that they were appointed as teachers in the middle school and accordingly it appears that the nature of their work as imparting education to the children reading in the M.E. School. There is no evidence to the effect that the concerned teachers were doing any manual work or technical work. The work of a teacher falls within the sublime area of intellectual advancement of the words under his charge and his work cannot be equated to manual work. A teacher also does not supervise the student under his care in the manner that supervision is conducted by a Manager in a factory over his workman. It is the predominant test that should decide the question whether a teacher is workman. In determining whether a teacher does any work enumerated in Section 2(s) what has to be considered is the actual work performed by him and it is this test that is determinative of the question whether he is a workman or not, and going by the test of nature of the work, it can be easily found that imparting education shaping the children under his control to become useful citizens of the country, moulding the character of such students can never be considered as the work of a workmen under the I.D. Act. None of the exhibits filed on behalf of the concerned teachers show that they were doing any work than the work of teaching the student. Nothing has been taken from the evidence of MW-1 to show that the concerned teachers were doing any job other than the job of teaching the student. It will appear from the evidence on record that the concerned teachers were not doing any job other than the job of imparting education to the children in the middle school and as such their nature of work clearly establishes that they cannot be considered as workmen as defined under Section 2(s) of the I.D. Act. In the result, I hold that the middle school in which the concerned teachers were employed was an industry. I further hold that the concerned teachers were not the workmen within the meaning of Section 2(s) of the I.D. Act. It follows therefore that the concerned teachers cannot get any relief from this Tribunal.

Point No. 2

It has been submitted on behalf of the management that the M. E. school in which the concerned teachers were employed was not an industrial establishment and as such the concerned persons cannot get relief from this Tribunal. In this connection the decision reported in (1978-1-LLJ-3497) may be considered which is a settler on the point. It was held in the said decision (Bangalore Water Supply case) that education is an industry and I think there is now no need of further discussion in the matter. I hold therefore that the M. E. school which is an educational institution will be covered under the

definition of industry. However, simply because education has been declared to be an industry in Bangalore Water supply case it does not automatically follow that teachers working in Schools are workmen. This point has to be decided in the light of the definition of workmen in Section 2(s) of the I.D. Act.

Point No. 3

It has been submitted on behalf of the workmen that the middle school was not covered under the definition of Mines and as such the Central Govt. will not be the appropriate Govt. in relation to the present industrial dispute. Section 2(a) of the I.D. Act defines the appropriate Govt. and it would appear that the Central Govt. is the appropriate Govt. in case of a mine. It has further been submitted on behalf of the management that as the school is outside the Mines premises it will not be covered under the definition of Mine in Section 2(1b) of the I.D. Act which refers section (1) (j) of the Mines Act, 1952. MW-1 who is the Coal Supdt. and Agent of D. V. C. Bermo area has stated that the school is located near the new colony Bermo and it is not situated within the mines premises. On the contrary there is no evidence to the effect that the said middle school was within the mines premises. I hold therefore that the middle school in which the concerned teachers were employed did not constitute a mine under the Mines Act. Accordingly I hold that the Central Govt. was not the appropriate Govt. to refer the present dispute to this Tribunal.

Point No. 4

Ext. M-5 is the particulars of Teachers of D.V.C. Middle school. It will show the names of the teachers, their date of joining the middle school and their educational qualification. The particulars stated in it are not dispute. It is clear therefore that the concerned teachers are all B.A. trained teachers in D.V.C. middle school. It is admitted in the W. S. of the workmen in para-5 that the concerned teachers were appointed in the year 1972 and on subsequent dates and they had applied for the post of teacher in the middle school in response to the advertisement issued to that effect from time to time. Ext. M-19 is the employment notice dt. 13-3-74. It has been filed to show that employment notice were being issued by the management for the D.V.C. Bermo middle school in accordance with the terms and conditions of service stated in it. It shows that one post of Head Master of the scale 245-385 and matic trained teacher's scale Rs. 205-325/- were advertised and the qualification required for the headmaster was a trained graduate with teaching experience and for the post of a matic trained teacher the qualification required was that the candidate must be matic trained with teaching experience of atleast 3 years. This was not the first advertisement by which the concerned teachers were appointed but it was a subsequent advertisement to show the qualification and the scale of pay of the headmaster and teachers of the Middle school. Ext. M-20 is the application of Nand Kumar Sinha dt. 4-7-72. Ext. M-24 of Balram Pd. dt. 14-7-72. Ext. M-25 of Sitaram Pd. dt. 7-7-72 which shows that they had applied for the

post of teacher. The other applications of the concerned teachers have not been filed but it will appear that some of the concerned teachers had applied for the post of teachers in the Bermo middle school. Ext. M 7, M-8, M-9, M-10, M-11, M-12, M-14, M-15, M-16, M-17 show that the concerned teachers were appointed as teachers in Bermo middle school on the scale of pay of Rs. 205-325/-. It will also appear that it was made clear in the appointment letter that the said pay scale is for the matriculate trained teachers. It is further stated that although they were graduate trained teachers for which there is separate scale under the Wage Board Award but the management cannot offer them the said scale of pay as matriculate trained teachers are sufficient for middle school. It is also stated that since they had applied against the advertisement it was for matriculate trained teachers and on consideration of their performance in the interview they were selected for the post of matic trained teachers. It was further made clear that no claim will be entertained for scale of graduate trained teachers by the management in future. After the receipt of the appointment letter the concerned teachers accepted the said offer for the post of teacher in a middle school of D.V.C. Bermo. Ext. M-13, M-14, M-15 are some of the acceptance of the offer to the concerned teachers which shows that the offer was accepted in full. MW-1 has stated that the teachers were appointed according to the qualifications as laid down by the education department, Govt. of Bihar. He has stated that the Head master was placed in Clerical Grade-I and the teachers were placed in Clerical Grade-II. He has stated that the management did not require trained graduate teachers as the teachers of the middle school. He has further stated that the management had appointed graduate trained teachers in place of matic trained teacher in the middle school and they had accepted the appointment. This evidence of MW-1 is in consonance with the advertisement, applications made by the concerned persons, appointment letters issued to the concerned teachers and their acceptance of the offer. It is clear therefore that the management had appointed the concerned teachers in the vacancy of matic trained teachers although the concerned teachers were trained graduates. It was specifically mentioned in the appointment letter issued to the concerned teachers that although they are trained graduates whose scales are higher they were being appointed in the vacancy of matic trained teachers in the Middle school and will be getting the pay scale of clerical Grade-II. This offer was accepted by the concerned persons in full without any objection and accordingly it is clear that the contract was complete and according to the contract of service the concerned workmen were appointed as teachers in Clerical Grade-III. The workmen have claimed Grade-I for the trained graduates teachers on the basis of scale of pay given in the recommendation of the Coal Wage Board. At page 81 of the Coal Wage Board recommendation Vol. I shows that the teachers are equated with the clerical staff in regard to their scales of pay. The Wage Board recommended Clerical Grade-I to graduate teacher and clerical Grade-II to matriculate trained teachers. It is on this basis that the concerned teachers claim that they should be given the scale of pay of clerical Grade-I as recommended by the Wage Board. It is true that the Wage Board recommended clerical

Grade-I to the trained graduates and clerical Grade-II to matic trained teachers. The case of the management is that according to the circular of the Education department of the Govt. of Bihar Head master of the middle school is required to be trained graduate and other teachers are required to be matic trained and accordingly the management had advertised for the post of matic trained teachers in which the concerned teachers applied and they accepted the employment in the scale of pay of clerical Grade-II. It is submitted on behalf of the management that there was only one post of graduate trained teacher to be posted as Head master and the other post of teachers was of trained maticulate and as such the management could not employ more than one trained graduate teacher as there was no other sanctioned post in the middle school in accordance with the circular of the education department of the Govt. of Bihar. It is further stated that there were sanctioned post of Matic trained teachers for which advertisement was made and the concerned teachers had applied and they accepted the post of matic trained teacher in the scale of pay of clerical Grade-II. MW-1 has stated that Ext. M-9 is the employment notice dt. 18-3-73 for the appointment of teachers stating qualification required for their appointment in accordance with the qualifications as laid down by the State Govt. He has stated that formerly Shri Lal Mohan Lal was the headmaster of the school and after he resigned and left the school Shri N. K. Sinha succeeded him as Headmaster of the middle school. He has clearly stated that the Headmaster of the middle school is been placed in Clerical Grade-I and other teachers are placed in Clerical Grade-II. He has also referred to the duties being performed by the headmaster and the teachers of the ME school to show that the headmaster has administrative jobs and he has supervision and control over the teachers. He has stated that the management did not require in the middle school teachers all being trained graduates. It is thus clear that there was only one sanctioned post of a trained graduate who was the headmaster of the middle school and all other teachers were appointed in the sanctioned post of matic trained teacher. A reference has been made to the letter of the education department Govt. of Bihar No. 7|M|70420|69 E 1227 dt. 15-5-73 to show the educational qualification of the teachers of a middle school as stated above. In view of the above the concerned teachers who were appointed in the sanctioned post of matic trained teachers in the middle school could not have been appointed in place of non-sanctioned post of trained graduates. The scale of pay for teachers employed by the colliery management as stated at page-81 of the Wage Board recommendation in view of the letter of the Govt. of Bihar will only mean that if the graduates teachers are appointed in the sanctioned post of graduate teachers they would be entitled to Clerical Grade-I and not that whoever was a trained graduate will be placed in clerical Grade-I even if there is no sanctioned post of a trained graduate in the middle school and the teachers appointed are in the vacancy caused in the sanctioned post of maticulate trained teachers. It will also appear from the evidence of MW-1 that the said middle school has been recognised by the Govt. of Bihar and the said school complies with the rules and regulations of the education department of

the Govt. of Bihar and that the management is appointing teachers according to the qualifications as laid down by the education department of the Govt. of Bihar. MW-1 has stated that D. V. C. is not a member of the JBCCI and that they are following only some of the provisions of NCWA I, II and III on the direction of their headquarters.

He has further stated that the management had not agreed that the teacher having qualification of more than trained maticulate will get higher grade on their appointment as teacher. In cross-examination he has stated that the salary of the teachers is given in accordance with the coal Wage Board scale and not of the Bihar Government scale. He has further stated that they are paying salary to the teachers according to their requirement. He has also stated that the management had appointed graduate trained teachers in place of matic trained teachers and the teachers had accepted the said appointment. He has also stated that there is no specific scale prescribed for the Headmaster of Middle School in the Wage Board recommendation. It will thus appear that the concerned teachers have been paid the scale of pay of Clerical Grade-II as recommended by the Wage Board as they have been appointed in place of matic trained teachers in the middle school and they had accepted the same without any objection. In view of the discussion made above I hold that the concerned teachers were not entitled to clerical Grade-I from the date they started working as teachers in the D.V.C. Bermo Mine.

In the result, I hold that the action of the management of D.V.C. Bermo colliery in denying clerical Grade-I to the concerned teachers S|Shri N. K. Sinha, Balram Pd., Sitaram Pd., N. K. Das, R. S. Singh, R. N. Dubey, R. N. Upadhyaya and Smt. K. Dutta with effect from 9-2-1973 is justified. I further hold that the Central Government is not the appropriate Government to refer the dispute to the Central Government Industrial Tribunal No. 2, Dhanbad for adjudication.

This is my Award.

Dated : 14-12-1987.

I. N. SINHA, Presiding Officer

[No. L-24012|34|85-D. IV (A)]

R. K. GUPTA, Desk Officer.

नई दिल्ली, 6 जनवरी 1988

का.आ. 175—बौद्धिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बरोग ब्लेव नं. 1, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबन्धतंत्र के मम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट बौद्धिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संस्था-2 कनवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 दिसम्बर, 1987 को प्राप्त हुआ था।

New Delhi, the 6th January, 1988
 S. O. 175.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the

Central Government Industrial Tribunal, No. 2 Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Barora Area No. 1, of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 23rd December 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, (NO. 2) AT DHANBAD

Reference No. 144 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Barora Area No. 1 of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri B. K. Ghosh, Authorised Representative Janta Mazdoor Sangh.

On behalf of the employers : Shri R. S. Murthy, Advocate.

STATE : Bihar INDUSTRY : Coal.

Dated, Dhanbad, the 15th December, 1987

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(365)85-III (A), dated, the 20th March, 1986.

SCHEDULE

"Whether the demand of Janta Mazdoor Sangh that the management of Barora Area No. 1 of Messrs. Bharat Coking Coal Limited should place their workman, Shri S. Chakraborty, as Accountant in Technical and Supervisory Grade-A with retrospective effect is justified ? If so, to what relief is this workman entitled ? and from what date ?"

In this reference both the parties filed their respective W.S. documents etc. Thereafter the case proceeded along with its course. At the stage of evidence when the case was fixed on 19-11-1987 both the parties appeared before me and filed a memorandum of settlement. I heard the parties on the said memorandum of settlement. I find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the said memorandum of settlement which forms part of the Award as Annexure.

Dated : 15-12-1986.

I. N. SINHA, Presiding Officer
[No. L-20012/365/85-D. III (A)]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT DHANBAD

Reference No. 144/86

Employers in relation to the Management of Barora Area

of

M/s. Bharat Coking Coal Limited,
P. O. Nawagarh, Distt. Dhanbad.

AND

Their workmen

The humble petition on behalf of the parties to the above dispute meet respectfully shewth :—

1. That the above dispute has been amicably settled between the parties on the following terms :

TERMS OF SETTLEMENT

- (a) That Shri S. Chakraborty will be placed in clerical Spl. grade in Finance Cadre from 1-2-1980. He will be given benefit of wages of Spl. grade with effect from 1-1-1983 only.
- (b) That for the period from 1-2-80 to 1-1-83, he will be given national seniority as Spl. grade clerk.
- (c) That he will be promoted as Teach. & Sup. Gr. 'A' as Accountant from 10-4-87.

2. That in view of the aforesaid settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above, the Hon'ble Tribunal will be graciously pleased to accept the terms of the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

For the workmen

Sd/-

(B. K. Ghosh)
Sd/-

(S. Chakraborty)

Dated : 16-9-1987.

For the Employers
(Bal. S. Murthy)
Advocate

R. C. Goyal, General Manager, Barora Area
V. R. JOSHI, Personnel Manager Barora Area.

का.आ. 176—आंशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जीतपुर कॉलेजी, मैमर्स इंडियन आयग्न एड. स्टील कंपनी लिमिटेड के प्रबन्धनत्र से मवड़ नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट आंशोगिक विवाद में केन्द्रीय सरकार आंशोगिक अधिकरण मेंस्या-2, धनबाद के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 दिसम्बर, 1987 को प्राप्त हुआ था।

S. O. 176.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of

the Central Government Industrial Tribunal, No. 2 Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jitpur Colliery of M/s. Indian Iron and Steel Company Limited and their workmen, which was received by the Central Government on the 23rd December 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) At DHANBAD

Reference No. 146 of 1987

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Jitpur Colliery of Messrs. Indian Iron and Steel Company Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri R. K. Singh, Branch Secretary, Janta Mazdoor Sangh.

On behalf of the employers : Shri R. Mohan, Dy. Manager.

STATE : Bihar

INDUSTRY : Coal.

Dhanbad, the 15th December, 1987

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (3)87-D. III (A), dated the 5th May, 1987.

SCHEDULE

"Whether the action of the management of Jitpur Colliery of M/s. Indian Iron & Steel Co. Ltd., in denying employment to the dependent of their workman, Shri Panchu Bhagat under Para 10, 4. 2 of National Coal Wage Agreement-II is justified ? If not, to what relief is the concerned workman entitled ?"

Soon after the receipt of the order of reference, the same was registered as Ref. No. 146 of 1987. Thereafter the case proceeded along with its course. Ultimately on 4-11-87 both the parties appeared before me and filed a Compromise petition. I heard the parties on the said compromise petition and I find that the terms contained there in are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the said compromise petition which forms part of the Award as Annexure.

Dated 15-12-87.

I. N. SINHA, Presiding Officer
[No. L-20012/3/87-D. III (A)]

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 2 AT DHANBAD
IN THE MATTER OF ADJUDICATION REFERRED BY THE CENTRAL GOVERNMENT VIDE ITS ORDER NO. L-20012(3)87-D.III(A) DT. 5-5-1987

PARTIES :

Employers in relation to the Management of Noonodih-Jitpur Colliery of M/s. Indian Iron & Steel Co. Ltd., P.O. Jitpur, Distt. Dhanbad

AND

**Their Workman
COMPROMISE PETITION**

1. That the following dispute has been referred before this Hon'ble Tribunal for adjudication by the Central Government :—

"Whether the action of the Management of Jitpur Colliery of M/s. Indian Iron & Steel Co. Ltd. in denying employment to the dependent of their workman, Shri Panchu Bhagat under para 10-4-2 of National Coal Wage Agreement-II is justified ? If not, to what relief is the concerned workman entitled ?".

2. That the workman involved in the dispute, Shri Panchu Bhagat having retired from Company's service from 31-5-85 is no more interested in contesting for his demands/dispute and after retirement desires to settle at his home town.

3. That the union sponsoring the dispute and the workman and the employers who are the parties hereby have resolves mutually and finally that the dispute referred above is being withdrawn unconditionally and the employers shall arrange to pay the legal dues of Panchu Bhagat within the shortest time possible.

4. That both the parties pray before the Hon'ble Tribunal that the above terms of compromise petition may be formed as an Award and the Hon'ble Tribunal may give a no dispute award accordingly, for which they shall pray.

For & On Behalf of Employers

- (1) S. K. Jha, Area Manager
- (2) R. Mohan, Dy. Mgr(PL)

Dated : 17th June, 1987.

For & On Behalf of Union/Workman

- (1) Panchu Bhagat
- (2) R. K. Singh, Br. Secretary
Janta Mazdoor Sangh.

का. शा. 177—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय

सरकार कापासारा आपनकास्ट प्रोजेक्ट, मैसर्स ईस्टन कोल-फील्ड लिमिटेड के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-2 धानवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 दिसम्बर 1987 को प्राप्त हुआ था।

S. O. 177.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2 Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kapasara Open Cast Project of M/s. Eastern Coalfields Limited and their workman, which was received by the Central Government on the 23rd December, 1987.

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

REFERENCE NO. 234 OF 1986

In the matter of Industrial dispute under Section 10-(1)(d) of the I. D. Act., 1947.

PARTIES :

Employers in relation to the management of Kapasara Open Cast Project of Messrs. Eastern Coalfield Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri G. Prasad, Advocate.
On behalf of the employers : Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 16th December, 1987

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947, has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(39)86-D.III(A), dated, the 4th July, 1986.

SCHEDULE

"Whether the action of the management of Kapasara Open Cast Project, Kapasara Area, Eastern Coalfields Limited, P. O. Mugma, District Dhanbad in dismissing from service their workman, Shri Babul Mahato, Tipping Truck Driver is justified ? not, to what relief is the concerned workman entitled ?"

The case of the workman is that the concerned workman Shri Babul Mahato was employed as Tripping Truck Driver at Kapasara Open cast project (hereinafter referred to as K.O.C.P.) under Kapasara Area of E.C.L. The management issued a chargesheet on Shri Babul Mahato for some alleged misconduct under clause 17(1)(c), 17(1)(f) and 17(1)(i) of the Model Standing Orders. The management dismissed the concerned workman on the basis of enquiry report submitted by the Enquiry Officer. The concerned workman was on duty in 3rd shift on 31-7-84. During his duty hours on that date the concerned workman was carrying the second shift workmen to their residence by the tipping truck. On his way back to Kapasara O.C.P. he met with an accident when the said truck dashed against the wall of a factory resulting in some damage to the said vehicle. The management therefore issued a chargesheet on the workman for the following misconducts :—

17(i)(c) Wilful insubordination or disobedience whether alone or in conjunction with another or others of any lawful or reasonable order of a superior. The order of the superior should normally be in writing.

17(i)(f) Habitual neglect of work.

17(i)(i) Causing wilful damage to work in progress or to property of the employer.

The concerned workman replied to the chargesheet denying the charges levelled against him. The management held a perverse enquiry and dismissed the concerned workman violating all principles of natural justice. Out of the three charges of misconduct, the charge under clause 17(1)(c) was not proved and the concerned workman was dismissed on the remaining two charges. The concerned workman had not been chargesheeted under clause 17(1)(a), but the enquiry officer found the concerned workman guilty under the said section in his enquiry report. The enquiry officer has thus gone beyond the scope of the chargesheet and the frame work of the enquiry and as such the enquiry proceeding entirely has been vitiated. One of the charge was under Clause 17(1)(i) which relates to causing wilful damage to work in progress or to property of the employer. It appears that there are two parts in this charge, namely wilful damage to work in progress or wilful damage to property of employer. As per chargesheet and the management's case it is clear that the second part of the said clause is attracted to the concerned workman and the enquiry was held on this part of the charge. The management failed to prove the said charge under clause 17(1)(i). Admittedly, the concerned workman met with an accident causing some damage to the vehicle No. BHG 5468 being a Tipping truck. There was at the relevant time heavy shower and the accident had taken place when it was actually raining. The meaning of accident is unforeseen or unexpected event and thus the term 'wilful' cannot be appropriately used at the present charge as no driver can cause accident 'wilful' when his own life is also involved. The enquiry officer during the enquiry did not go into the depth of the case of damage to the property of the employer and he also failed to enumerate as to how far the concerned workman

was involved wilfully in causing damage to the vehicle. The said charge was also not proved and the conduct of the concerned workman cannot be termed as misconduct when, the cause of the alleged misconduct was an unforeseen and expected event. The action of the management is illegal as per judgement of the Hon'ble Supreme Court reported in LLJ-1-1984 page-33 (M/s. Pepsi Roadways Transport Corporation vs. Jaswant Singh) in which the punishment of dismissal was waived and in its place order was passed for stoppage of increment. On the above plea it has been prayed that the concerned workman should be reinstated with all consequential benefits from the date of his illegal dismissal.

The case of the management is that on receipt of a report of certain acts of misconduct stated to have been committed by the concerned workman Shri Babulal Mahato a chargesheet was issued to him by the Management of the colliery. The concerned workman submitted his explanation to the chargesheet. His explanation was found to be unsatisfactory, and accordingly the agent Kapasara colliery appointed an enquiry committee consisting of S/Shri G. S. Jha, Sr. P. O. and M. M. Banerjee to hold a detailed enquiry into the charges framed against the concerned workman. After due notice to the concerned workman the enquiry was held by the enquiry committee. The concerned workman fully participated in the enquiry. The witness of the management were examined in presence to the concerned workman and full opportunity to cross-examine the management's witnesses was given to the concerned workman. The concerned workman was also given an opportunity to make his own statement which he did and he also produced one witness in his defence. Thereafter the enquiry officer submitted his report holding that on 1-8-1984 at about 1.30 A.M. the concerned workman took away the vehicle No. BHG 5468 with an unknown person outside Kapasara O.C.P. No. 1 to fulfil his own business. The enquiry committee further held that the plea of the concerned workman that he provided transport to S/Shri Raj Roshan Rai and Amawas Mahato was an after thought to conceal his guilt. He also held that the concerned workman plied the vehicle for a distance of 34 km. but he did not enter the same in log book. The committee also held that the concerned workman plied the vehicle with a speed of 30 Km. per hour in a showery scot, for which ultimately he lost control over the vehicle and met with the accident. The report of the enquiry committee was considered by the Manager and Agent of Kapasara colliery who accepted the report of the enquiry committee and thereafter the Agent recommended for the dismissal of the concerned workman. The case thereafter was submitted to the G.M./Chief Mining Engineer, Kapasara area who approved the dismissal of the concerned workman by his order dt. 16-11-84 and thereafter the concerned workman was dismissed from service. The action of the management in dismissing the is fully justified as the concerned workman was found guilty of very serious charge. On the above plea it has been prayed on behalf of the management that the concerned workman cannot get any relief.

In para 11 of the W.S. the management had prayed for deciding in the first instance as a preliminary issue regarding the fairness and validity of the domestic enquiry as the concerned workman has been dismissed from service after holding an enquiry into the charges levelled against him and the workmen are challenging the fairness and validity of the enquiry proceeding. On perusal of the W.S. filed on behalf of the workmen it appears that the fairness and validity of the domestic enquiry is being challenged. Accordingly it was ordered that it will first be decided as a preliminary issue whether the enquiry proceeding was fair and valid so that in case it is shown that the enquiry was not fair and proper, the management may be given a chance to adduce evidence afresh before this Tribunal. The management examined one of the members of the enquiry committee to show that the enquiry proceeding was fair and proper. The concerned workman also examined himself as a witness. After considering the oral evidence and the papers of the domestic enquiry I held by the order dated 15-9-87 on the said preliminary issue that the enquiry proceeding was fair, proper and in accordance with the principles of natural justice. Thereafter the case was set for hearing on merit, on the materials already, on the record of the enquiry proceeding.

The points now for decision are whether (1) whether the management has been able to establish the charges against the concerned workman in the domestic enquiry (2) whether the punishment of dismissal is proper.

The management has produced all the relevant papers in connection with the enquiry proceeding and they are marked Ext. M-1 to M-9.

Some of the facts are admitted and as such it needs no discussion. It is admitted that the concerned workman was on duty in the third shift of 31-7-1984 and his duty was to carry the workmen of the second shift to their residence by the tipping trucks. It is also admitted that the concerned workman had taken the tipping truck No. BHG 5468 and on his way back to Kapasara O. C. P. he met with an accident when the said truck dashed against the wall of a factory resulting in some damage to the said vehicle

Ext. M-2 is the chargesheet dated 2-8-1984 which will show that it was reported to the Manager of Kapasara colliery that on 31-7-1984 in the third shift i.e. at about 1.00 A.M. of 1-8-1984 while the concerned workman was on duty he took out the tipping truck BHG 5468 from K.O.C.P. No. 1 parking place without any permission from the competent authority and met with an accident dashing the said tipping truck against the compound wall of Malhotra refractory over G. T. Road causing severe damage of the tipping truck. It is further stated that due to such accident one cabin radiator etc. of the said tipping truck was partly damaged to the tune of about Rs. 40,000/- The management charged the concerned workman under clause 17(1)(c), 17(1)(f) and 17(1)(i) of the Model Standing Orders. Ext. M-3 is the reply to the said chargesheet by the concerned workman Babulal Mahato denying the charge. It is further stated that on 31-7-1984 while he was on third

shift on Dumper No. BHG 4668 he met with an accident and dashed against the compound wall of Malhotra refractory on 1-8-1984. It will thus appear that the time, place and the damage of the tipping truck is accepted by the concerned workman. He has denied that he took out the tipping truck from Kapasara O.C.P. parking place without any permission, from the competent authority because it was the custom/system of the company that the drivers of third shift duty were to carry the second shift driver to their respective quarters for which written hard and fast order was not necessary. He has further stated that on 31-7-1984 at about 12.30 night he took out the dumper from the K.O.C.P. as usual and had taken the drivers of second shift, namely, Rajroshan Rai, Amawas Mahato to their residence, Central pool and returned to Kapasara immediately for his usual duty. He has stated that during that time there was heavy rain and light of his dumper was very weak and while he was approaching the Lakhimata B.P. incline, two unknown persons suddenly crossed the road speedily and he could see them only at a short distance and he suddenly applied his brake but instead of stopping, the dumper turned on the side and became out of control and dashed on the wall of Malhotra refractory. From this explanation it will further appear that it was heavily raining at the time of the accident. He has also stated that the light of the dumper was very weak and that the visibility on the road was poor due to heavy rain.

In the background of the above admitted facts now let us examine the evidence adduced on behalf of the management before the Enquiry Committee.

The management examined Shri M. P. Paul, Project Manager who was the management's representative before the enquiry committee. He stated the case and produced documents in connection with the proceeding. He was cross-examined by the concerned workman. Thereafter Sri D. K. Dutta Engineer, who was the complainant on the basis of which the chargesheet was levelled against the concerned workman, has been examined. Tetu Rajwar, Security Guard was the next witness examined on behalf of the management. The concerned workman cross-examined Tetu Rajwar who declined to cross-examine Shri D. K. Dutta. It will further appear from the enquiry proceeding Ext. M-6 that the concerned workman Babul Lal Mahato also gave his statement and also examined one of his defence witness Rajroshan Rai. It appears from the reply of the concerned workman to the chargesheet Ext. M-3 that the concerned workman claimed to have taken Shri Rajroshan Rai and Amawas Mahato to their residents on the tipping truck and while returning he had met with the accident. Out of the those two persons he had examined Raj Roshan Rai before the enquiry committee but did not examine Amawas Mahato. At page-15 of Ext. M-6 it is clearly stated that he had no other witness to examine in his defence and thereafter the enquiry was closed by the enquiry committee. On perusal of the order sheet and enquiry proceeding it is clear that the concerned workman had participated in the enquiry, the prosecution witness were examined in his presence, he had been given opportunity to cross-examine the management's witnesses and he had actually cross-examined some of the management's witnesses, he was given opportunity to give his own statement after the close of the

management's witness and he had actually given his own statement and also examine one witness in his defence. The enquiry proceeding will further show that the concerned workman had signed on each page of the enquiry proceeding to denote that the enquiry was held in presence of the concerned workman and that all statements were recorded in his presence.

Shri D. K. Dutta, Engineer, E & M of K.O.C.P. of Kapasara colliery has stated that the concerned workman along with two others were deployed to work in the third shift at K.O.C.P.I. He has stated that the third shift starts at 10 P.M. and continues till 6 A.M. He has stated that he reached K.O.C.P.I at 8 A.M. on 1-8-1984 when he was informed by Shri C. D. Chatterjee, Manager, Kapasara colliery that the vehicle BHG 5468 with its driver Shri Babu Lal Mahato met with an accident in the night between 31-7-1984 and morning of 1-8-1984. On his query he learnt from the security guard Tetu Rajwar that Babu Lal Mahato took away the vehicle at about 1.00 A.M. of 1-8-1984. He went to the place of accident and found there the damage of parts of the vehicle and his assessment of the damage was Rs. 40,000/- The concerned workman did not cross-examine him. The security guard Tetu Rajwar has stated that on 31-7-1984 he was engaged at K.O.C.P. I, in third shift from 12.00 P.M. of 31-7-1984 till 8.00 A.M. of 1-8-1984. He has stated that on 1-8-1984 at about 1.00 A.M. he found Shri Babu Lal Mahato taking away tipping truck outside the O.C.P.'s office and he had seen an unknown person along with the concerned workman at that time. He did not resist the concerned workman as he was one of the employees. The concerned workman did not return with the vehicle during his duty hours. This witness was cross-examined by the concerned workman. But nothing has been taken out from his deposition to falsify what he has stated or the reasons as to why he would depose falsely against the concerned workman. Thus coupled with the admitted case of the parties the evidence of the security guard, Tetu Rajwar shows that the concerned workman had taken the vehicle at about 1.00 A.M. of 1-8-1984 from the K.O.C.P. I. and that there was some unknown persons on the vehicle when the vehicle was taken away by the concerned workman.

The concerned workman examined Raj Roshan Rai, to show that on 31-7-1984 Raj Roshan Rai was on duty in the second shift commencing from 4.00 P.M. to 12.00 P.M. Raj Roshan Rai, has stated that at about 10.00 P.M. there was a heavy shower which stopped the normal working of the mine and all the workmen left the work at 10.00 P.M. and took shelter near the garage. He has stated that at about 12.30 P.M. he went to the rest room along with Amawas Mahato where they found the concerned workman and that the concerned workman took them up to Central Pool where they get down from the vehicle and the concerned workman returned to the colliery. His evidence has been adduced to show that the concerned workman had not gone with the vehicle with an unknown person but had taken Raj Roshan Rai and Amawas Mahato to reach them upto the central pool. It will thus appear from the evidence of Roshan Rai that the concerned workman had taken

him and Amabas Mahato in the vehicle up to Central Pool and thereafter the concerned workman returned for K.O.C.P.I. This evidence of Raj Roshan Rai has not been falsified by the management. This witness does not know anything thereafter. The concerned workman gave his statement before the enquiry committee stating that he took Amabas Mahato and Raj Roshan Rai in his Tipping Truck for taking them to the Central Pool and after he had left them at Central Pool and was returning he saw two unknown persons crossing G. T. Road. He said that he tried to save them but his brake did not work. He has also stated that the vehicle was at that time running with a speed of about 60 K. Ms. per hour. He stated that the vehicle lost control and dashed against the wall of Malhotra refactory. He has stated that he also suffered injuries in his hand and chest and he immediately went to Central Pool and got his first aid and thereafter he went to Kapasara colliery guard office to inform about the accident. He has also stated that he had taken the vehicle from K.O.C.P. without any permission as no permission was required for transportation of the workman to their quarters after second shift.

There is no direct evidence to show that the concerned workman had caused wilful damage to the tipping truck of the management. The said conclusion has to be considered on the basis of the facts, circumstances and the evidence in the case. From what I have discussed above it will appear that the concerned workman was driving the tipping truck at a speed of 60 K.M. while it was heavily raining. The vehicle had a very weak light and the visibility on the road was very poor also because of the heavy rains. When the vehicle had a very weak light and the visibility was poor, it was not proper for the concerned workman to drive the vehicle at a speed of 60 K.M. per hour. Driving of a vehicle under the circumstances was likely to cause accident and damage to the vehicle and the wilful design of the concerned workman has to be gathered from the circumstances which are almost all admitted by the concerned workman. So far the damage of the brake is concerned it is not disputed. The concerned workman has only questioned about the exact monetary damage caused to the management but the workmen have not stated specifically about the admitted damage caused to the tipping truck. As such the monetary value of the damage of the vehicle is actually not of importance. The importance is that the vehicle was damaged and the amount of damage may be Rs. 40,000/- or less. In my opinion, therefore, the management has been able to show that the concerned workman had caused wilful damage to the vehicle BHG 5468 belonging to the employer and as such the charge under clause 17(1)(i) has been established against the concerned workman.

So far the charge under section 17(1)(c) regarding wilful insubordination or disobedience of a lawful and reasonable order of a superior is concerned, I hold that the said charge has not been established as there is no evidence to show that the concerned workman had committed wilful insubordination or disobedience of any lawful or reasonable order of a superior.

Regarding the charge under clause 17(1)(f) habitual neglect of work is concerned I hold that the management did not adduce any evidence before the enquiry committee to show that the concerned workman was habitually neglecting his work in the past. Accordingly I hold that the charge under clause 17(1)(f) has not been established.

The learned Advocate appearing on behalf of the workman has filed his written argument in which some of the points raised are completely bereft of any foundation. He has very much stressed on the point that it again be decided that the enquiry itself was not fair and proper. A preliminary issue decided by this Tribunal cannot be challenged here for its review. The said prayer of the Learned Advocate therefore must be rejected as it has also been held so in 1975 Vol. II page 379.

The learned Advocate has also submitted that he should have been allowed to adduce evidence on the merit of the case. In my opinion he has not either noticed the decision made in 1979 LIC 949 or if he has noticed he has not carefully gone through it. His Lordships have held in the said decision reported in 1978 LIC 1949 in para-10 that the Tribunal under Section II-A of the I. D. Act has the power to examine the evidence led in the domestic enquiry and to come to a different conclusion but the material on which it can do so will be confined to the evidence led in the domestic enquiry as is clear from the proviso to Section 11-A. Their Lordships further held that the language of the proviso is unambiguous and the Tribunal is not permitted to take any fresh evidence for reaching such a conclusion. It was for this reason that I did not allow the learned Advocate for the workmen to introduce any new evidence in the reference as the consideration of any such evidence introduced for the first time before this Tribunal will be illegal and if considered, the Award passed by this Tribunal will be liable to be set aside in writ petitions.

Now the question remains as to what punishment should be inflicted on the concerned workman in respect of the charge established under Clause 17(1)(1) of the Model Standing Orders. It will appear from the evidence discussed above that the different factors have been taken to show that the concerned workman had wilfully damaged the property of the employer. There is no evidence that the concerned workman had premeditated to cause wilful damage to the tipping truck of the employer. There is also no evidence to show that the concerned workman had any cause from before so as to cause damage to the vehicle to put the employer in loss. I have also found above that the management has not been able to establish any act of insubordination, disobedience or habitual neglect of work by the concerned workman. In the above view of the matter I hold that the dismissal of the concerned workman from service was not commensurate with the charge established against him and as such the punishment of dismissal from service is too harsh and it has to be set aside and in its place some lenient punishment be awarded to the concerned workman.

The management has been able to establish charge under clause 17(1)(1) of the Model Standing Orders

The action of the management of K.O.C.P. Kapasara area in dismissing the concerned workman Shri Babu Lal Mahato Tipping Truck Driver from service is not justified, it being too harsh. In my opinion, the concerned workman will be adequately punished for the charge established against him under clause 17(1) (i) if no payment of the wages and other allowance is made to the concerned workman since the period of his dismissal to the date of his reinstatement. The management is therefore directed to reinstate the concerned workman in service within one month from the date of publication of the Award. The concerned workman will however, not be entitled to any back wages from the date of his dismissal to the date of his reinstatement but he will get continuity and seniority, in service.

Award is passed accordingly.

I. N. SINHA, Presiding Officer
[No. L-20012|39|86-D. III (A)]

का.आ. 178 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पूरकी काँचयरी, मैसर्स भारत केविंग कॉल लिमिटेड के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-2, धनबाद के पंचपट को प्रकाशित करती है, जो वेन्द्रीय सरकार को 23 दिसम्बर, 1987 को प्राप्त हुआ था।

S. O. 178.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2 Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Pootkee Colliery of M/s. Bharat Cooking Coal Limited and their workmen, which was received by the Central Government on the 23rd December, 1987.

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD**

Reference No. 296 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Pootkee Colliery of Bharat Cooking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri S. S. Bhattacharjee Authorised Representative.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRIAL : Coal.

Dated, Dhanbad, the 15th December, 1987

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012|145|86-D. III (A), dated, the 10th August, 1986.

THE SCHEDULE

“Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of Pootkee Colliery of Bharat Cooking Coal Limited should pay wages to their workmen, S. Shri Shankar, Gore, Mirer Loader and Hiraman Lohar, Blacksmith for their idle period from the date of their earlier retirement from service upto the date of their reinstatement following assessment of their age by Medical Board, is justified ? If so, to what relief are these workmen entitled ?”

Soon after the receipt of the order of reference, the same was registered as Ref. No. 296 of 1986. Thereafter the case proceeded along with its course. Ultimately both the parties appeared before me and filed a Joint compromise petition. I have heard the parties on the same and find that the terms contained therein are fair proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the said Joint compromise petition which forms part of the Award as Annexure.

Dated : 15-12-1987.

I. N. SINHA, Presiding Officer
[No. L-20012|145|86-D. III (A)]
P. V. SHREEDHARAN, Desk Officer

**BEFORE THE CENTRAL GOVERNMENT
TRIBUNAL NO. 2 DHANBAD**

In the matter of Reference No. 296|86

PARTIES :

Employers in relation to the Management of Pootkee Colliery of M/s. Bharat Cooking Coal Ltd. P.O. Kusunda Distt. Dhanbad.

AND

Their Workmen.

**JOINT COMPROMISE PETITION OF THE
EMPLOYERS AND WORKMEN**

The above mentioned employers and workmen beg to submit jointly as follows :—

- That the employers and workmen have jointly negotiated the matter directly as covered by the aforesaid reference with a view to coming to a mutually acceptable and amicable settlement.

(2) That as a result of such direct negotiations, the parties have arrived at a settlement on the following terms :—

(a) That Sri Shankar Gaur, Ex. Miner Loader & Sri Hiraman Lohar, Black Smith of Pootkee Colliery will be paid of 50 per cent of full wages for the entire period of their idleness. The wages will include basic, C.A., V.D.A., F.D.A. and P.R. & U.G. allowance where applicable.

(b) That they will also get the statutory bonus on the basis of the above payment

(c) That if they are still members of C.M. P.F. and their refund applications are pending at Colliery level, they will get the benefit of C.R.P.F.

(d) That on fulfilment of the provisions referred to in clauses (a) & (b) above, the dispute referred to the Hon'ble Tribunal may be pleased to dispose of the reference in terms of the joint compromise petition.

(S. S. Bhattacharjee)

Authorised representative of

R. C. M. S.

FOR AND ON BEHALF OF WORKMEN,

Dhanbad, dated :

B. M. LALL, Dy. Chief Personnel Manager,
Pootkee Balihari Area.

For and on behalf of Employers.

विस संचालय

(राजस्व विभाग)

नई दिल्ली, 3 नवम्बर, 1987

(आयकर)

का.आ. 179—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (15) के उप खण्ड (—) की मद (ज) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त मद के प्रयोजनार्थ “नेशनल हाइड्रोइलेक्ट्रिक पावर कार्पोरेशन लि., नई दिल्ली द्वारा जारी किए गए 7-वर्षीय 13 प्रतिशत आरक्षित विमोच्य असंपरिवर्तनीय बन्ध-पत्र, 1987 (ख शूंखला) को विनिर्दिष्ट करती है।

बशर्ते कि उक्त मद के अन्तर्गत लाभ केवल तब स्वीकार्य होगा यदि ऐसे बन्ध-पत्र का अधारक अपना नाम और सीमन उक्त कार्पोरेशन में पंजीकृत कराता है।

[सं. 7606 (फा.सं. 178/247/87-आ.क. (नि.-1))]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 3rd November, 1987

(INCOME-TAX)

S.O. 179.—in exercise of the powers conferred by item (h) of sub-clause (iv) of clause (15) of Section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby specifies “10 years 9 per cent (Tax Free) Secured Redeemable Non-convertible Bonds, 1987 (B Series)” issued by the National Hydroelectric Power Corporation Ltd., New Delhi for the purpose of the said item :

Provided that the benefit under the said item shall be admissible only if the holder of such bonds registers his name and the holding with the said Corporation.

[No. 7606 (F. No. 178/247/87-IT(A1))]

का.आ. 180—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-ठ की उप-धारा (i) के खण्ड (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त खण्ड के प्रयोजनार्थ “नेशनल हाइड्रोइलेक्ट्रिक पावर कार्पोरेशन लि., नई दिल्ली द्वारा जारी किए गए 7-वर्षीय 13 प्रतिशत आरक्षित विमोच्य असंपरिवर्तनीय बन्ध-पत्र 1987 (ख शूंखला)” को विनिर्दिष्ट करती है।

बशर्ते कि इस प्रकार के नंध-नदों के अन्तरण के मामले में पूँछांकन अथवा वितरण द्वारा उक्त खण्ड के अन्तर्गत लाभ केवल तब स्वीकार्य होगा यदि अन्तरिती इस प्रकार के अन्तरण से 60 दिन की अवधि के अन्दर ऐसे अन्तरण की रजिस्टर्ड डाक द्वारा उक्त कार्पोरेशन को सूचना दे।

[सं. 7607 (फा.सं. 178/247/87-आ.क. (नि.-1))]

के० के० निपाठी, उप सचिव

S.O. 180.—In exercise of the powers conferred by clause (ii) of sub-section (1) of Section 80L of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby specifies “7-year, 13 per cent Secured Redeemable Non-convertible Bonds 1987 (B Series)”, issued by the National Hydroelectric Power Corporation Ltd., New Delhi for the purpose of the said clause :

Provided that the benefit under the said clause shall be admissible in the case of transfer of such bonds by endorsement or delivery only if the transferee informs the said Corporation by registered post within a period of sixty days of such transfer.

[No. 7607 (F. No. 178/247/87-IT(A1))]

K. K. TRIPATHI, Dv Secy.

